

By the Council for Ready Infrastructure and Committee on
Transportation and Representative Russell

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; revising language with respect to
4 the organization of the department; deleting
5 responsibilities assigned to the secretary;
6 providing that the secretary or his or her
7 designee shall submit a report on major actions
8 at each meeting of the Florida Transportation
9 Commission; revising language with respect to
10 assistant secretaries; creating the Office of
11 Comptroller; deleting language with respect to
12 the inspector general and comptroller; changing
13 the Turnpike District into a turnpike
14 enterprise; giving the Secretary of
15 Transportation the authority to exempt the
16 turnpike enterprise from department policies,
17 procedures, and standards; giving the secretary
18 authority to promulgate rules that will assist
19 the turnpike enterprise in using best business
20 practices; amending s. 110.205, F.S.;
21 correcting cross references, to conform;
22 amending s. 189.441, F.S.; removing an
23 exemption to s. 287.055, F.S.; amending s.
24 206.46, F.S.; revising language with respect to
25 the State Transportation Trust Fund; increasing
26 the debt service cap; amending s. 255.20, F.S.;
27 exempting certain transportation projects for
28 certain competitive bidding requirements;
29 amending s. 287.005, F.S.; increasing the
30 amount defining a continuing contract; amending
31 s. 311.07, F.S.; adding seaport security

1 projects to the types of projects eligible for
2 these funds; exempting seaport security
3 projects from matching requirements; amending
4 s. 311.09, F.S.; directing seaports to abide by
5 the provisions of s. 287.055, F.S., related to
6 competitive negotiation; amending s. 316.302,
7 F.S.; revising a date concerning commercial
8 motor vehicles to conform to federal
9 regulations; amending s. 316.3025, F.S.;
10 updating a cross reference to federal trucking
11 regulations; amending s. 316.515, F.S.;
12 deleting a requirement for a department permit
13 with respect to the height of automobile
14 transporters; amending s. 316.535, F.S.; adding
15 weight requirements for certain commercial
16 trucks; amending s. 316.545, F.S.; correcting a
17 cross reference; amending s. 330.27, F.S.;
18 revising definitions relating to aviation;
19 providing definitions; amending s. 316.650,
20 F.S.; requiring the issuance of a copy of the
21 Traffic School Reference Guide with traffic
22 citations; amending s. 318.14, F.S.; deleting
23 reference to a restriction on the number of
24 elections a person may make to attend a basic
25 driver improvement course; amending s.
26 318.1451, F.S.; providing an assessment fee
27 with respect to driver improvement courses for
28 persons who are ordered by the court to attend
29 and for certain other violations; amending s.
30 322.0261, F.S.; deleting reference to a time
31 period and increasing the amount of damage

1 required with respect to a crash for the
2 screening of certain crash reports; creating s.
3 322.02615, F.S.; providing for mandatory driver
4 improvement courses for certain violations;
5 amending s. 322.05, F.S.; adding a condition
6 for the issuance of a driver's license to
7 certain persons; amending s. 330.29, F.S.;
8 clarifying the department's rulemaking
9 authority with respect to airports; amending s.
10 330.30, F.S.; eliminating airport license fees;
11 revising language with respect to the
12 department's site approval process; eliminating
13 on-site inspections of private airports;
14 creating a registration process for private
15 airports; providing conditions; deleting
16 obsolete language; providing exceptions;
17 amending s. 330.35, F.S.; deleting obsolete
18 language with respect to airport zoning;
19 amending s. 330.36, F.S.; providing conditions
20 under which municipalities may prohibit or
21 otherwise regulate seaplanes; amending s.
22 332.004, F.S.; adding off-airport noise
23 mitigation projects to the projects eligible
24 for federal and state matching funds; amending
25 s. 334.044, F.S.; authorizing the department to
26 expend promotional money on scenic highway
27 projects; authorizing the department to
28 delegate its drainage permitting
29 responsibilities to other governmental entities
30 under certain circumstances; amending s.
31 334.193, F.S.; providing for employee bidding

1 by department employees; amending s. 334.30,
2 F.S.; clarifying existing program for
3 public-private transportation projects;
4 deleting requirement for legislative approval
5 except for projects requiring more than \$50
6 million from the State Transportation Trust
7 Fund; specifying notice and selection
8 requirements for projects under this section;
9 allowing Internal Revenue Service Code chapter
10 63-20 corporations to participate in these
11 public-private transportation projects;
12 providing conditions for using loans from Toll
13 Facilities Revolving Trust Fund; deleting
14 obsolete language; creating s. 335.066, F.S.;
15 creating the Safe Paths to Schools Program;
16 directing the department to establish the
17 program and to authorize establishment of a
18 grant program for purposes of funding the
19 program; authorizing the department to adopt
20 rules to administer the program; amending s.
21 335.141, F.S.; eliminating the requirement that
22 the department regulate all train speeds;
23 amending s. 336.12, F.S.; creating process for
24 homeowners' associations to be conveyed roads
25 and rights-of-way abandoned by a county
26 governing board for the purpose of converting a
27 subdivision to a gated neighborhood; amending
28 s. 336.41, F.S.; clarifying that a contract
29 already qualified by the Department of
30 Transportation is presumed qualified to bid on
31 county road projects; amending s. 336.44, F.S.;

1 replacing the term "competent" with
2 "responsible bidder"; amending s. 337.107,
3 F.S.; authorizing the department to enter into
4 design-build contracts that include
5 right-of-acquisition services; amending s.
6 337.11, F.S.; raising the cap on certain
7 contracts into which the department can enter
8 without first obtaining bids; adding
9 enhancement projects to the types of projects
10 that can be combined into a design-build
11 contract; specifying that construction on
12 design-build projects may not begin until
13 certain conditions have been met; amending s.
14 337.14, F.S.; clarifying that contractors
15 qualified by the Department of Transportation
16 are presumed qualified to bid on projects for
17 expressway authorities; amending s. 337.401,
18 F.S.; providing that for projects on public
19 roads or rail corridors under the department's
20 jurisdiction, a utility relocation schedule and
21 relocation agreement may be executed in lieu of
22 a written permit; amending s. 339.08, F.S.;
23 clarifying language with respect to the use of
24 moneys in the State Transportation Trust Fund;
25 amending s. 339.12, F.S.; providing that local
26 governments which perform projects for the
27 department are reimbursed promptly; specifying
28 that certain counties that use revenues from a
29 1-cent local option sales tax for state
30 transportation improvement projects not be
31 penalized by receiving fewer state

1 transportation funds; amending s. 339.135,
2 F.S.; conforming language with respect to the
3 tentative work program; conforming a reference
4 to the turnpike district; amending s. 339.137,
5 F.S.; revising definitions; amending criteria
6 for program eligibility; directing the advisory
7 council to develop methodology for ranking and
8 prioritizing project proposals; directing the
9 Florida Transportation Commission to review the
10 proposed project list before submittal to the
11 Legislature; amending s. 341.051, F.S.;
12 deleting obsolete language; amending s.
13 341.302, F.S.; deleting language requiring the
14 department to perform certain railroad
15 regulation tasks which are federal
16 responsibilities; amending s. 348.0003, F.S.;
17 giving a county governing body authority to set
18 qualifications, terms of office, and
19 obligations for the members of expressway
20 authorities within their jurisdictions;
21 amending ss. 348.0012, 348.754, 348.7543,
22 348.7544, 348.7545, 348.755, and 348.765, F.S.;
23 giving the Orlando-Orange County Expressway
24 Authority the ability to issue bonds, rather
25 than issuance through the state Division of
26 Bond Finance; amending s. 373.4137, F.S.;
27 allowing transportation authorities created
28 pursuant to chs. 348 and 349, F.S., to create
29 environmental impact inventories and
30 participate in a mitigation program to offset
31 adverse impacts caused by their transportation

1 projects; amending s. 475.011, F.S.; granting
2 exemption from Florida licensing for certain
3 firms or their employees under contract with
4 the state or a local governmental entity to
5 provide right-of-way acquisition services for
6 property subject to condemnation; amending s.
7 479.15, F.S.; revising language with respect to
8 harmony of regulations concerning lawfully
9 erected signs; creating s. 479.25, F.S.;
10 authorizing local governments to enter into
11 agreements which allow outdoor signs to be
12 erected above sound barriers; creating s.
13 70.20, F.S.; creating process for governmental
14 entities and sign owners to enter into
15 relocation and reconstruction agreements
16 related to outdoor advertising signs; providing
17 for just compensation to sign owners under
18 certain conditions; amending s. 496.425, F.S.;
19 redefining the term "facility"; creating s.
20 496.4256, F.S.; providing that a governmental
21 entity or authority that owns or operates
22 welcome centers, wayside parks, service plazas,
23 or rest areas on the state highway system are
24 not required to issue a permit to, or grant
25 access to, any person for the purpose of
26 soliciting funds; repealing s. 316.3027, F.S.;
27 relating to identification requirements on
28 certain commercial motor vehicles; amending s.
29 337.408, F.S.; revising language with respect
30 to the regulation of benches, transit shelters,
31 and waste disposal receptacles within

1 rights-of-way; providing for regulation of
2 street light poles; amending s. 380.0651, F.S.;
3 excluding certain wholesaling facilities from
4 development-of-regional-impact review; deleting
5 provision which provides the
6 development-of-regional-impact statewide
7 guidelines and standards for airports; deleting
8 provision which provides for certain
9 residential developments located in one county
10 to be treated as located in an adjacent less
11 populated county; amending s. 768.28, F.S.;
12 providing that certain operators of rail
13 services and providers of security for rail
14 services are agents of the state for certain
15 purposes; providing for indemnification;
16 repealing s. 316.610(3), F.S.; relating to
17 certain inspections of certain commercial motor
18 vehicles; amending s. 337.025, F.S.;
19 eliminating cap on innovative highway projects
20 for the turnpike enterprise; amending s.
21 337.11, F.S.; providing an exemption for a
22 turnpike enterprise project; amending s.
23 338.22, F.S.; redesignating the Florida
24 Turnpike Law as the Florida Turnpike Enterprise
25 Law; amending s. 338.221, F.S.; redefining the
26 term "economically feasible" as used with
27 respect to turnpike projects; creating s.
28 338.2215, F.S.; providing legislative findings,
29 policy, purpose, and intent for the Florida
30 Turnpike Enterprise; creating s. 338.2216,
31 F.S.; prescribing the power and authority of

1 the turnpike enterprise; amending s. 338.223,
2 F.S.; increasing the maximum loan amount for
3 the turnpike enterprise; amending ss. 338.165
4 and 338.227, F.S.; conforming provisions;
5 amending s. 338.2275, F.S.; authorizing the
6 turnpike enterprise to advertise for bids for
7 contracts prior to obtaining environmental
8 permits; amending s. 338.234, F.S.; authorizing
9 the turnpike enterprise to expand business
10 opportunities; amending s. 338.235, F.S.;
11 authorizing the consideration of goods instead
12 of fees; amending s. 338.239, F.S.; providing
13 that approved expenditure to the Florida
14 Highway Patrol be paid by the turnpike
15 enterprise; amending s. 338.241, F.S.; lowering
16 the required cash reserve for the turnpike
17 enterprise; amending s. 338.251, F.S.;
18 conforming provisions; amending s. 553.80,
19 F.S.; providing for self-regulation; amending
20 s. 333.06, F.S.; requiring each licensed
21 publicly owned and operated airport to prepare
22 an airport master plan; providing notice to
23 affected local governments with respect
24 thereto; amending s. 380.06, F.S., relating to
25 developments of regional impact; removing the
26 rebuttable presumptions with respect to
27 application of the statewide guidelines and
28 standards; removing provisions which specify
29 that certain changes in airport facilities or
30 increases in the storage capacity for chemical
31 or petroleum storage facilities constitute a

1 substantial deviation and require further
2 development-of-regional-impact review;
3 exempting certain proposed facilities for the
4 storage of any petroleum product from
5 development-of-regional-impact requirements;
6 amending ss. 163.3180 and 331.303, F.S.;
7 correcting references; providing application
8 with respect to airports and petroleum storage
9 facilities which have received a
10 development-of-regional-impact development
11 order, or which have an application for
12 development approval or notification of
13 proposed change pending, on the effective date
14 of the act; providing for severability;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 20.23, Florida Statutes, is amended
20 to read:

21 20.23 Department of Transportation.--There is created
22 a Department of Transportation which shall be a decentralized
23 agency.

24 (1)(a)~~1~~. The head of the Department of Transportation
25 is the Secretary of Transportation. The secretary shall be
26 appointed by the Governor from among three persons nominated
27 by the Florida Transportation Commission and shall be subject
28 to confirmation by the Senate. The secretary shall serve at
29 the pleasure of the Governor.

30 **(b)2**. The secretary shall be a proven, effective
31 administrator who by a combination of education and experience

1 shall clearly possess a broad knowledge of the administrative,
2 financial, and technical aspects of the development,
3 operation, and regulation of transportation systems and
4 facilities or comparable systems and facilities.

5 ~~(b)1. The secretary shall employ all personnel of the~~
6 ~~department. He or she shall implement all laws, rules,~~
7 ~~policies, and procedures applicable to the operation of the~~
8 ~~department and may not by his or her actions disregard or act~~
9 ~~in a manner contrary to any such policy. The secretary shall~~
10 ~~represent the department in its dealings with other state~~
11 ~~agencies, local governments, special districts, and the~~
12 ~~Federal Government. He or she shall have authority to sign~~
13 ~~and execute all documents and papers necessary to carry out~~
14 ~~his or her duties and the operations of the department. At~~
15 ~~each meeting of the Florida Transportation Commission, the~~
16 ~~secretary shall submit a report of major actions taken by him~~
17 ~~or her as official representative of the department.~~

18 ~~2. The secretary shall cause the annual department~~
19 ~~budget request, the Florida Transportation Plan, and the~~
20 ~~tentative work program to be prepared in accordance with all~~
21 ~~applicable laws and departmental policies and shall submit the~~
22 ~~budget, plan, and program to the Florida Transportation~~
23 ~~Commission. The commission shall perform an in-depth~~
24 ~~evaluation of the budget, plan, and program for compliance~~
25 ~~with all applicable laws and departmental policies. If the~~
26 ~~commission determines that the budget, plan, or program is not~~
27 ~~in compliance with all applicable laws and departmental~~
28 ~~policies, it shall report its findings and recommendations~~
29 ~~regarding such noncompliance to the Legislature and the~~
30 ~~Governor.~~

31

1 (c)~~3~~. The secretary shall provide to the Florida
2 Transportation Commission or its staff, such assistance,
3 information, and documents as are requested by the commission
4 or its staff to enable the commission to fulfill its duties
5 and responsibilities.

6 (d)~~(c)~~ The secretary shall appoint two ~~three~~ assistant
7 secretaries who shall be directly responsible to the secretary
8 and who shall perform such duties as are specified in this
9 section and such other duties as are assigned by the
10 secretary. ~~The secretary may delegate to any assistant~~
11 ~~secretary the authority to act in the absence of the~~
12 ~~secretary. The department has the authority to adopt rules~~
13 ~~necessary for the delegation of authority beyond the assistant~~
14 ~~secretaries. The assistant secretaries shall serve at the~~
15 ~~pleasure of the secretary.~~

16 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and
17 the assistant secretaries shall be exempt from the provisions
18 of part III of chapter 110 and shall receive compensation
19 commensurate with their qualifications and competitive with
20 compensation for comparable responsibility in the private
21 sector. When the salary of any assistant secretary exceeds
22 the limits established in part III of chapter 110, the
23 Governor shall approve said salary.

24 (2)(a)1. The Florida Transportation Commission is
25 hereby created and shall consist of nine members appointed by
26 the Governor subject to confirmation by the Senate. Members
27 of the commission shall serve terms of 4 years each.

28 2. Members shall be appointed in such a manner as to
29 equitably represent all geographic areas of the state. Each
30 member must be a registered voter and a citizen of the state.

31

1 Each member of the commission must also possess business
2 managerial experience in the private sector.

3 3. A member of the commission shall represent the
4 transportation needs of the state as a whole and may not
5 subordinate the needs of the state to those of any particular
6 area of the state.

7 4. The commission is assigned to the Office of the
8 Secretary of the Department of Transportation for
9 administrative and fiscal accountability purposes, but it
10 shall otherwise function independently of the control and
11 direction of the department.

12 (b) The commission shall have the primary functions
13 to:

14 1. Recommend major transportation policies for the
15 Governor's approval, and assure that approved policies and any
16 revisions thereto are properly executed.

17 2. Periodically review the status of the state
18 transportation system including highway, transit, rail,
19 seaport, intermodal development, and aviation components of
20 the system and recommend improvements therein to the Governor
21 and the Legislature.

22 3. Perform an in-depth evaluation of the annual
23 department budget request, the Florida Transportation Plan,
24 and the tentative work program for compliance with all
25 applicable laws and established departmental policies. Except
26 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
27 the commission may not consider individual construction
28 projects, but shall consider methods of accomplishing the
29 goals of the department in the most effective, efficient, and
30 businesslike manner.

31

1 4. Monitor the financial status of the department on a
2 regular basis to assure that the department is managing
3 revenue and bond proceeds responsibly and in accordance with
4 law and established policy.

5 5. Monitor on at least a quarterly basis, the
6 efficiency, productivity, and management of the department,
7 using performance and production standards developed by the
8 commission pursuant to s. 334.045.

9 6. Perform an in-depth evaluation of the factors
10 causing disruption of project schedules in the adopted work
11 program and recommend to the Legislature and the Governor
12 methods to eliminate or reduce the disruptive effects of these
13 factors.

14 7. Recommend to the Governor and the Legislature
15 improvements to the department's organization in order to
16 streamline and optimize the efficiency of the department. In
17 reviewing the department's organization, the commission shall
18 determine if the current district organizational structure is
19 responsive to Florida's changing economic and demographic
20 development patterns. The initial report by the commission
21 must be delivered to the Governor and Legislature by December
22 15, 2000, and each year thereafter, as appropriate. The
23 commission may retain such experts as are reasonably necessary
24 to effectuate this subparagraph, and the department shall pay
25 the expenses of such experts.

26 (c) The commission or a member thereof may not enter
27 into the day-to-day operation of the department and is
28 specifically prohibited from taking part in:

- 29 1. The awarding of contracts.
30 2. The selection of a consultant or contractor or the
31 prequalification of any individual consultant or contractor.

1 However, the commission may recommend to the secretary
2 standards and policies governing the procedure for selection
3 and prequalification of consultants and contractors.

4 3. The selection of a route for a specific project.
5 4. The specific location of a transportation facility.
6 5. The acquisition of rights-of-way.
7 6. The employment, promotion, demotion, suspension,
8 transfer, or discharge of any department personnel.
9 7. The granting, denial, suspension, or revocation of
10 any license or permit issued by the department.

11 (d)1. The chair of the commission shall be selected by
12 the commission members and shall serve a 1-year term.

13 2. The commission shall hold a minimum of 4 regular
14 meetings annually, and other meetings may be called by the
15 chair upon giving at least 1 week's notice to all members and
16 the public pursuant to chapter 120. Other meetings may also be
17 held upon the written request of at least four other members
18 of the commission, with at least 1 week's notice of such
19 meeting being given to all members and the public by the chair
20 pursuant to chapter 120. Emergency meetings may be held
21 without notice upon the request of all members of the
22 commission. At each meeting of the commission, the secretary
23 or his or her designee shall submit a report of major actions
24 taken by him or her as official representative of the
25 department.

26 3. A majority of the membership of the commission
27 constitutes a quorum at any meeting of the commission. An
28 action of the commission is not binding unless the action is
29 taken pursuant to an affirmative vote of a majority of the
30 members present, but not fewer than four members of the
31

1 commission at a meeting held pursuant to subparagraph 2., and
2 the vote is recorded in the minutes of that meeting.

3 4. The chair shall cause to be made a complete record
4 of the proceedings of the commission, which record shall be
5 open for public inspection.

6 (e) The meetings of the commission shall be held in
7 the central office of the department in Tallahassee unless the
8 chair determines that special circumstances warrant meeting at
9 another location.

10 (f) Members of the commission are entitled to per diem
11 and travel expenses pursuant to s. 112.061.

12 (g) A member of the commission may not have any
13 interest, direct or indirect, in any contract, franchise,
14 privilege, or other benefit granted or awarded by the
15 department during the term of his or her appointment and for 2
16 years after the termination of such appointment.

17 (h) The commission shall appoint an executive director
18 and assistant executive director, who shall serve under the
19 direction, supervision, and control of the commission. The
20 executive director, with the consent of the commission, shall
21 employ such staff as are necessary to perform adequately the
22 functions of the commission, within budgetary limitations.
23 All employees of the commission are exempt from part II of
24 chapter 110 and shall serve at the pleasure of the commission.
25 The salaries and benefits of all employees of the commission
26 shall be set in accordance with the Selected Exempt Service;
27 provided, however, that the commission shall have complete
28 authority for fixing the salary of the executive director and
29 assistant executive director.

30 (i) The commission shall develop a budget pursuant to
31 chapter 216. The budget is not subject to change by the

1 department, but such budget shall be submitted to the Governor
2 along with the budget of the department.

3 (3)(a) The central office shall establish departmental
4 policies, rules, procedures, and standards and shall monitor
5 the implementation of such policies, rules, procedures, and
6 standards in order to ensure uniform compliance and quality
7 performance by the districts and central office units that
8 implement transportation programs. Major transportation
9 policy initiatives or revisions shall be submitted to the
10 commission for review. ~~The central office monitoring function~~
11 ~~shall be based on a plan that clearly specifies what areas~~
12 ~~will be monitored, activities and criteria used to measure~~
13 ~~compliance, and a feedback process that assures monitoring~~
14 ~~findings are reported and deficiencies corrected. The~~
15 ~~secretary is responsible for ensuring that a central office~~
16 ~~monitoring function is implemented, and that it functions~~
17 ~~properly. In conjunction with its monitoring function, the~~
18 ~~central office shall provide such training and administrative~~
19 ~~support to the districts as the department determines to be~~
20 ~~necessary to ensure that the department's programs are carried~~
21 ~~out in the most efficient and effective manner.~~

22 ~~(b) The resources necessary to ensure the efficiency,~~
23 ~~effectiveness, and quality of performance by the department of~~
24 ~~its statutory responsibilities shall be allocated to the~~
25 ~~central office.~~

26 (b)(c) The secretary shall appoint an Assistant
27 Secretary for Transportation Policy and an Assistant
28 Secretary for Finance and Administration, ~~and an Assistant~~
29 ~~Secretary for District Operations~~, each of whom shall serve at
30 the pleasure of the secretary. ~~The positions are responsible~~
31 ~~for developing, monitoring, and enforcing policy and managing~~

1 ~~major technical programs. The responsibilities and duties of~~
2 ~~these positions include, but are not limited to, the following~~
3 ~~functional areas:~~
4 ~~1. Assistant Secretary for Transportation Policy.--~~
5 ~~a. Development of the Florida Transportation Plan and~~
6 ~~other policy planning;~~
7 ~~b. Development of statewide modal systems plans,~~
8 ~~including public transportation systems;~~
9 ~~c. Design of transportation facilities;~~
10 ~~d. Construction of transportation facilities;~~
11 ~~e. Acquisition and management of transportation~~
12 ~~rights-of-way; and~~
13 ~~f. Administration of motor carrier compliance and~~
14 ~~safety.~~
15 ~~2. Assistant Secretary for District Operations.--~~
16 ~~a. Administration of the eight districts; and~~
17 ~~b. Implementation of the decentralization of the~~
18 ~~department.~~
19 ~~3. Assistant Secretary for Finance and~~
20 ~~Administration.--~~
21 ~~a. Financial planning and management;~~
22 ~~b. Information systems;~~
23 ~~c. Accounting systems;~~
24 ~~d. Administrative functions; and~~
25 ~~e. Administration of toll operations.~~
26 ~~(d)1. Policy, program, or operations offices shall be~~
27 ~~established within the central office for the purposes of:~~
28 ~~a. Developing policy and procedures and monitoring~~
29 ~~performance to ensure compliance with these policies and~~
30 ~~procedures;~~
31

1 ~~b. Performing statewide activities which it is more~~
2 ~~cost-effective to perform in a central location;~~

3 ~~c. Assessing and ensuring the accuracy of information~~
4 ~~within the department's financial management information~~
5 ~~systems; and~~

6 ~~d. Performing other activities of a statewide nature.~~

7 1.2. The following offices are established and shall
8 be headed by a manager, each of whom shall be appointed by and
9 serve at the pleasure of the secretary. The positions shall be
10 classified at a level equal to a division director:

11 a. The Office of Administration;

12 b. The Office of Policy Planning;

13 c. The Office of Design;

14 d. The Office of Highway Operations;

15 e. The Office of Right-of-Way;

16 f. The Office of Toll Operations;

17 g. The Office of Information Systems; ~~and~~

18 h. The Office of Motor Carrier Compliance; ~~;~~

19 i. The Office of Management and Budget; and

20 j. The Office of Comptroller.

21 ~~2.3.~~ Other offices may be established in accordance
22 with s. 20.04(7). The heads of such offices are exempt from
23 part II of chapter 110. No office or organization shall be
24 created at a level equal to or higher than a division without
25 specific legislative authority.

26 ~~3.4.~~ During the construction of a major transportation
27 improvement project or as determined by the district
28 secretary, the department may provide assistance to a business
29 entity significantly impacted by the project if the entity is
30 a for-profit entity that has been in business for 3 years
31 prior to the beginning of construction and has direct or

1 shared access to the transportation project being constructed.
2 The assistance program shall be in the form of additional
3 guarantees to assist the impacted business entity in receiving
4 loans pursuant to Title 13 C.F.R. part 120. However, in no
5 instance shall the combined guarantees be greater than 90
6 percent of the loan. The department shall adopt rules to
7 implement this subparagraph.

8 ~~(e) The Assistant Secretary for Finance and~~
9 ~~Administration must possess a broad knowledge of the~~
10 ~~administrative, financial, and technical aspects of a complete~~
11 ~~cost-accounting system, budget preparation and management, and~~
12 ~~management information systems. The Assistant Secretary for~~
13 ~~Finance and Administration must be a proven, effective manager~~
14 ~~with specialized skills in financial planning and management.~~
15 ~~The Assistant Secretary for Finance and Administration shall~~
16 ~~ensure that financial information is processed in a timely,~~
17 ~~accurate, and complete manner.~~

18 ~~(f)1. Within the central office there is created an~~
19 ~~Office of Management and Budget. The head of the Office of~~
20 ~~Management and Budget is responsible to the Assistant~~
21 ~~Secretary for Finance and Administration and is exempt from~~
22 ~~part II of chapter 110.~~

23 ~~2. The functions of the Office of Management and~~
24 ~~Budget include, but are not limited to:~~

25 ~~a. Preparation of the work program;~~

26 ~~b. Preparation of the departmental budget; and~~

27 ~~c. Coordination of related policies and procedures.~~

28 ~~3. The Office of Management and Budget shall also be~~
29 ~~responsible for developing uniform implementation and~~
30 ~~monitoring procedures for all activities performed at the~~
31 ~~district level involving the budget and the work program.~~

1 (c)(g) The secretary shall ~~may~~ appoint an inspector
2 general pursuant to s. 20.055 who shall be directly
3 responsible to the secretary and shall serve at the pleasure
4 of the secretary.

5 ~~(h)1. The secretary shall appoint an inspector general~~
6 ~~pursuant to s. 20.055. To comply with recommended professional~~
7 ~~auditing standards related to independence and objectivity,~~
8 ~~the inspector general shall be appointed to a position within~~
9 ~~the Career Service System and may be removed by the secretary~~
10 ~~with the concurrence of the Transportation Commission. In~~
11 ~~order to attract and retain an individual who has the proven~~
12 ~~technical and administrative skills necessary to comply with~~
13 ~~the requirements of this section, the agency head may appoint~~
14 ~~the inspector general to a classification level within the~~
15 ~~Career Service System that is equivalent to that provided for~~
16 ~~in part III of chapter 110. The inspector general may be~~
17 ~~organizationally located within another unit of the department~~
18 ~~for administrative purposes, but shall function independently~~
19 ~~and be directly responsible to the secretary pursuant to s.~~
20 ~~20.055. The duties of the inspector general shall include, but~~
21 ~~are not restricted to, reviewing, evaluating, and reporting on~~
22 ~~the policies, plans, procedures, and accounting, financial,~~
23 ~~and other operations of the department and recommending~~
24 ~~changes for the improvement thereof, as well as performing~~
25 ~~audits of contracts and agreements between the department and~~
26 ~~private entities or other governmental entities. The inspector~~
27 ~~general shall give priority to reviewing major parts of the~~
28 ~~department's accounting system and central office monitoring~~
29 ~~function to determine whether such systems effectively ensure~~
30 ~~accountability and compliance with all laws, rules, policies,~~
31 ~~and procedures applicable to the operation of the department.~~

1 ~~The inspector general shall also give priority to assessing~~
2 ~~the department's management information systems as required by~~
3 ~~s. 282.318. The internal audit function shall use the~~
4 ~~necessary expertise, in particular, engineering, financial,~~
5 ~~and property appraising expertise, to independently evaluate~~
6 ~~the technical aspects of the department's operations. The~~
7 ~~inspector general shall have access at all times to any~~
8 ~~personnel, records, data, or other information of the~~
9 ~~department and shall determine the methods and procedures~~
10 ~~necessary to carry out his or her duties. The inspector~~
11 ~~general is responsible for audits of departmental operations~~
12 ~~and for audits of consultant contracts and agreements, and~~
13 ~~such audits shall be conducted in accordance with generally~~
14 ~~accepted governmental auditing standards. The inspector~~
15 ~~general shall annually perform a sufficient number of audits~~
16 ~~to determine the efficiency and effectiveness, as well as~~
17 ~~verify the accuracy of estimates and charges, of contracts~~
18 ~~executed by the department with private entities and other~~
19 ~~governmental entities. The inspector general has the sole~~
20 ~~responsibility for the contents of his or her reports, and a~~
21 ~~copy of each report containing his or her findings and~~
22 ~~recommendations shall be furnished directly to the secretary~~
23 ~~and the commission.~~

24 ~~2. In addition to the authority and responsibilities~~
25 ~~herein provided, the inspector general is required to report~~
26 ~~to the:~~

27 ~~a. Secretary whenever the inspector general makes a~~
28 ~~preliminary determination that particularly serious or~~
29 ~~flagrant problems, abuses, or deficiencies relating to the~~
30 ~~administration of programs and operations of the department~~
31 ~~have occurred. The secretary shall review and assess the~~

1 ~~correctness of the preliminary determination by the inspector~~
2 ~~general. If the preliminary determination is substantiated,~~
3 ~~the secretary shall submit such report to the appropriate~~
4 ~~committees of the Legislature within 7 calendar days, together~~
5 ~~with a report by the secretary containing any comments deemed~~
6 ~~appropriate. Nothing in this section shall be construed to~~
7 ~~authorize the public disclosure of information which is~~
8 ~~specifically prohibited from disclosure by any other provision~~
9 ~~of law.~~

10 ~~b. Transportation Commission and the Legislature any~~
11 ~~actions by the secretary that prohibit the inspector general~~
12 ~~from initiating, carrying out, or completing any audit after~~
13 ~~the inspector general has decided to initiate, carry out, or~~
14 ~~complete such audit. The secretary shall, within 30 days~~
15 ~~after transmission of the report, set forth in a statement to~~
16 ~~the Transportation Commission and the Legislature the reasons~~
17 ~~for his or her actions.~~

18 ~~(i)1. The secretary shall appoint a comptroller who is~~
19 ~~responsible to the Assistant Secretary for Finance and~~
20 ~~Administration. This position is exempt from part II of~~
21 ~~chapter 110.~~

22 ~~2. The comptroller is the chief financial officer of~~
23 ~~the department and must be a proven, effective administrator~~
24 ~~who by a combination of education and experience clearly~~
25 ~~possesses a broad knowledge of the administrative, financial,~~
26 ~~and technical aspects of a complex cost-accounting system.~~
27 ~~The comptroller must also have a working knowledge of~~
28 ~~generally accepted accounting principles. At a minimum, the~~
29 ~~comptroller must hold an active license to practice public~~
30 ~~accounting in Florida pursuant to chapter 473 or an active~~
31 ~~license to practice public accounting in any other state. In~~

1 ~~addition to the requirements of the Florida Fiscal Accounting~~
2 ~~Management Information System Act, the comptroller is~~
3 ~~responsible for the development, maintenance, and modification~~
4 ~~of an accounting system that will in a timely manner~~
5 ~~accurately reflect the revenues and expenditures of the~~
6 ~~department and that includes a cost-accounting system to~~
7 ~~properly identify, segregate, allocate, and report department~~
8 ~~costs. The comptroller shall supervise and direct preparation~~
9 ~~of a detailed 36-month forecast of cash and expenditures and~~
10 ~~is responsible for managing cash and determining cash~~
11 ~~requirements. The comptroller shall review all comparative~~
12 ~~cost studies that examine the cost-effectiveness and~~
13 ~~feasibility of contracting for services and operations~~
14 ~~performed by the department. The review must state that the~~
15 ~~study was prepared in accordance with generally accepted~~
16 ~~cost-accounting standards applied in a consistent manner using~~
17 ~~valid and accurate cost data.~~

18 3. ~~The department shall by rule or internal management~~
19 ~~memoranda as required by chapter 120 provide for the~~
20 ~~maintenance by the comptroller of financial records and~~
21 ~~accounts of the department as will afford a full and complete~~
22 ~~check against the improper payment of bills and provide a~~
23 ~~system for the prompt payment of the just obligations of the~~
24 ~~department, which records must at all times disclose:~~

25 a. ~~The several appropriations available for the use of~~
26 ~~the department;~~

27 b. ~~The specific amounts of each such appropriation~~
28 ~~budgeted by the department for each improvement or purpose;~~

29 c. ~~The apportionment or division of all such~~
30 ~~appropriations among the several counties and districts, when~~
31 ~~such apportionment or division is made;~~

1 ~~d. The amount or portion of each such apportionment~~
2 ~~against general contractual and other liabilities then~~
3 ~~created;~~
4 ~~e. The amount expended and still to be expended in~~
5 ~~connection with each contractual and other obligation of the~~
6 ~~department;~~
7 ~~f. The expense and operating costs of the various~~
8 ~~activities of the department;~~
9 ~~g. The receipts accruing to the department and the~~
10 ~~distribution thereof;~~
11 ~~h. The assets, investments, and liabilities of the~~
12 ~~department; and~~
13 ~~i. The cash requirements of the department for a~~
14 ~~36-month period.~~
15 ~~4. The comptroller shall maintain a separate account~~
16 ~~for each fund administered by the department.~~
17 ~~5. The comptroller shall perform such other related~~
18 ~~duties as designated by the department.~~
19 (d)(j) The secretary shall appoint a general counsel
20 who shall be employed full time and shall be directly
21 responsible to the secretary and shall serve at the pleasure
22 of the secretary. The general counsel is responsible for all
23 legal matters of the department. The department may employ as
24 many attorneys as it deems necessary to advise and represent
25 the department in all transportation matters.
26 (e)(k) The secretary shall appoint a state
27 transportation planner ~~who shall report to the Assistant~~
28 ~~Secretary for Transportation Policy.~~ The state transportation
29 planner's responsibilities shall include, but are not limited
30 to, policy planning, systems planning, and transportation
31

1 ~~statistics.~~ This position shall be classified at a level
2 equal to a deputy assistant secretary.

3 ~~(f)(1)~~ The secretary shall appoint a state highway
4 engineer ~~who shall report to the Assistant Secretary for~~
5 ~~Transportation Policy. The state highway engineer's~~
6 ~~responsibilities shall include, but are not limited to,~~
7 ~~design, construction, and maintenance of highway facilities;~~
8 ~~acquisition and management of transportation rights-of-way;~~
9 ~~traffic engineering; and materials testing.~~ This position
10 shall be classified at a level equal to a deputy assistant
11 secretary.

12 ~~(g)(m)~~ The secretary shall appoint a state public
13 transportation administrator ~~who shall report to the Assistant~~
14 ~~Secretary for Transportation Policy. The state public~~
15 ~~transportation administrator's responsibilities shall include,~~
16 ~~but are not limited to, the administration of statewide~~
17 ~~transit, rail, intermodal development, and aviation programs.~~
18 This position shall be classified at a level equal to a deputy
19 assistant secretary. ~~The department shall also assign to the~~
20 ~~public transportation administrator an organizational unit the~~
21 ~~primary function of which is to administer the high-speed rail~~
22 ~~program.~~

23 (4)(a) The operations of the department shall be
24 organized into seven ~~eight~~ districts, ~~including a turnpike~~
25 ~~district,~~ each headed by a district secretary, and a turnpike
26 enterprise, headed by an executive director. ~~The district~~
27 ~~secretaries shall report to the Assistant Secretary for~~
28 ~~District Operations.~~ The headquarters of the districts shall
29 be located in Polk, Columbia, Washington, Broward, Volusia,
30 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of
31 the turnpike enterprise shall be located in Orange County. ~~The~~

1 ~~turnpike district must be relocated to Orange County in the~~
2 ~~year 2000.~~In order to provide for efficient operations and to
3 expedite the decisionmaking process, the department shall
4 provide for maximum decentralization to the districts.
5 However, before making a decision to centralize or
6 decentralize department operations ~~or relocate the turnpike~~
7 ~~district~~, the department must first determine if the decision
8 would be cost-effective and in the public's best interest. The
9 department shall periodically evaluate such decisions to
10 ensure that they are appropriate.

11 (b) The primary responsibility for the implementation
12 of the department's transportation programs shall be delegated
13 by the secretary to the district secretaries, and sufficient
14 authority shall be vested in each district to ensure adequate
15 control of the resources commensurate with the delegated
16 responsibility. Each district secretary shall also be
17 accountable for ensuring their district's quality of
18 performance and compliance with all laws, rules, policies, and
19 procedures related to the operation of the department.

20 (c) Each district secretary may appoint a district
21 director for planning and programming, a district director for
22 production, and a district director for operations. These
23 positions are exempt from part II of chapter 110.

24 (d) Within each district, offices shall be established
25 for managing major functional responsibilities of the
26 department. ~~The offices may include planning, design,~~
27 ~~construction, right-of-way, maintenance, and public~~
28 ~~transportation.~~ The heads of these offices shall be exempt
29 from part II of chapter 110.

30 (e) The district director for the Fort Myers Urban
31 Office of the Department of Transportation is responsible for

1 developing the 5-year Transportation Plan for Charlotte,
2 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
3 Myers Urban Office also is responsible for providing policy,
4 direction, local government coordination, and planning for
5 those counties.

6 (f)1. The responsibility for the turnpike system shall
7 be delegated by the secretary to the executive director of the
8 turnpike enterprise, who shall serve at the pleasure of the
9 secretary. The executive director shall report directly to the
10 secretary, and the turnpike enterprise shall operate pursuant
11 to ss. 338.22-338.241.

12 2. To facilitate the most efficient and effective
13 management of the turnpike enterprise, including the use of
14 best business practices employed by the private sector, the
15 secretary shall have the authority to exempt the turnpike
16 enterprise from departmental policies, procedures, and
17 standards.

18 3. To maximize the turnpike enterprise's ability to
19 use best business practices employed by the private sector,
20 the secretary shall have the authority to promulgate rules
21 which exempt the turnpike enterprise from department rules and
22 authorize the turnpike enterprise to employ procurement
23 methods available to the private sector.

24 (5) Notwithstanding the provisions of s. 110.205, the
25 Department of Management Services is authorized to exempt
26 positions within the Department of Transportation which are
27 comparable to positions within the Senior Management Service
28 pursuant to s. 110.205(2)(i) or positions which are comparable
29 to positions in the Selected Exempt Service under s.
30 110.205(2)(1).
31

1 ~~(6) To facilitate the efficient and effective~~
2 ~~management of the department in a businesslike manner, the~~
3 ~~department shall develop a system for the submission of~~
4 ~~monthly management reports to the Florida Transportation~~
5 ~~Commission and secretary from the district secretaries. The~~
6 ~~commission and the secretary shall determine which reports are~~
7 ~~required to fulfill their respective responsibilities under~~
8 ~~this section. A copy of each such report shall be submitted~~
9 ~~monthly to the appropriations and transportation committees of~~
10 ~~the Senate and the House of Representatives. Recommendations~~
11 ~~made by the Auditor General in his or her audits of the~~
12 ~~department that relate to management practices, systems, or~~
13 ~~reports shall be implemented in a timely manner. However, if~~
14 ~~the department determines that one or more of the~~
15 ~~recommendations should be altered or should not be~~
16 ~~implemented, it shall provide a written explanation of such~~
17 ~~determination to the Legislative Auditing Committee within 6~~
18 ~~months after the date the recommendations were published.~~

19 (6)~~(7)~~ The department is authorized to contract with
20 local governmental entities and with the private sector if the
21 department first determines that:

22 (a) Consultants can do the work at less cost than
23 state employees;

24 (b) State employees can do the work at less cost, but
25 sufficient positions have not been approved by the Legislature
26 as requested in the department's most recent legislative
27 budget request;

28 (c) The work requires specialized expertise, and it
29 would not be economical for the state to acquire, and then
30 maintain, the expertise after the work is done;

31

1 (d) The workload is at a peak level, and it would not
2 be economical to acquire, and then keep, extra personnel after
3 the workload decreases; or

4 (e) The use of such entities is clearly in the
5 public's best interest.

6
7 Such contracts shall require compliance with applicable
8 federal and state laws, and clearly specify the product or
9 service to be provided.

10 Section 2. Paragraphs (i) and (l) of subsection (2) of
11 section 110.205, Florida Statutes, are amended to read:

12 110.205 Career service; exemptions.--

13 (2) EXEMPT POSITIONS.--The exempt positions which are
14 not covered by this part include the following, provided that
15 no position, except for positions established for a limited
16 period of time pursuant to paragraph (h), shall be exempted if
17 the position reports to a position in the career service:

18 (i) The appointed secretaries, assistant secretaries,
19 deputy secretaries, and deputy assistant secretaries of all
20 departments; the executive directors, assistant executive
21 directors, deputy executive directors, and deputy assistant
22 executive directors of all departments; and the directors of
23 all divisions and those positions determined by the department
24 to have managerial responsibilities comparable to such
25 positions, which positions include, but are not limited to,
26 program directors, assistant program directors, district
27 administrators, deputy district administrators, the Director
28 of Central Operations Services of the Department of Children
29 and Family Services, and the State Transportation Planner,
30 State Highway Engineer, State Public Transportation
31 Administrator, district secretaries, district directors of

1 planning and programming, production, and operations, and the
2 managers of the offices specified in s. 20.23(3)(b)1.~~(d)2.~~, of
3 the Department of Transportation. Unless otherwise fixed by
4 law, the department shall set the salary and benefits of these
5 positions in accordance with the rules of the Senior
6 Management Service.

7 (1) All assistant division director, deputy division
8 director, and bureau chief positions in any department, and
9 those positions determined by the department to have
10 managerial responsibilities comparable to such positions,
11 which positions include, but are not limited to, positions in
12 the Department of Health, the Department of Children and
13 Family Services, and the Department of Corrections that are
14 assigned primary duties of serving as the superintendent or
15 assistant superintendent, or warden or assistant warden, of an
16 institution; positions in the Department of Corrections that
17 are assigned primary duties of serving as the circuit
18 administrator or deputy circuit administrator; positions in
19 the Department of Transportation that are assigned primary
20 duties of serving as regional toll managers and managers of
21 offices as defined in s. 20.23(3)(b)2.~~(d)3.~~ and (4)(d);
22 positions in the Department of Environmental Protection that
23 are assigned the duty of an Environmental Administrator or
24 program administrator; those positions described in s. 20.171
25 as included in the Senior Management Service; and positions in
26 the Department of Health that are assigned the duties of
27 Environmental Administrator, Assistant County Health
28 Department Director, and County Health Department Financial
29 Administrator. Unless otherwise fixed by law, the department
30 shall set the salary and benefits of these positions in
31

1 accordance with the rules established for the Selected Exempt
2 Service.

3 Section 3. Section 189.441, Florida Statutes, is
4 amended to read:

5 189.441 Contracts.--Contracts for the construction of
6 projects and for any other purpose of the authority may be
7 awarded by the authority in a manner that will best promote
8 free and open competition, including advertisement for
9 competitive bids; however, if the authority determines that
10 the purposes of this act will be more effectively served
11 thereby, the authority may award or cause to be awarded
12 contracts for the construction of any project, including
13 design-build contracts, or any part thereof, or for any other
14 purpose of the authority upon a negotiated basis as determined
15 by the authority. Each contractor doing business with the
16 authority and required to be licensed by the state or local
17 general-purpose governments must maintain the license during
18 the term of the contract with the authority. The authority
19 may prescribe bid security requirements and other procedures
20 in connection with the award of contracts which protect the
21 public interest. ~~Section 287.055 does not apply to the~~
22 ~~selection of professional architectural, engineering,~~
23 ~~landscape architectural, or land surveying services by the~~
24 ~~authority or to the procurement of design-build contracts.~~The
25 authority may, and in the case of a new professional sports
26 franchise must, by written contract engage the services of the
27 operator, lessee, sublessee, or purchaser, or prospective
28 operator, lessee, sublessee, or purchaser, of any project in
29 the construction of the project and may, and in the case of a
30 new professional sports franchise must, provide in the
31 contract that the lessee, sublessee, purchaser, or prospective

1 lessee, sublessee, or purchaser, may act as an agent of, or an
2 independent contractor for, the authority for the performance
3 of the functions described therein, subject to the conditions
4 and requirements prescribed in the contract, including
5 functions such as the acquisition of the site and other real
6 property for the project; the preparation of plans,
7 specifications, financing, and contract documents; the award
8 of construction and other contracts upon a competitive or
9 negotiated basis; the construction of the project, or any part
10 thereof, directly by the lessee, purchaser, or prospective
11 lessee or purchaser; the inspection and supervision of
12 construction; the employment of engineers, architects,
13 builders, and other contractors; and the provision of money to
14 pay the cost thereof pending reimbursement by the authority.
15 Any such contract may, and in the case of a new professional
16 sports franchise must, allow the authority to make advances to
17 or reimburse the lessee, sublessee, or purchaser, or
18 prospective lessee, sublessee, or purchaser for its costs
19 incurred in the performance of those functions, and must set
20 forth the supporting documents required to be submitted to the
21 authority and the reviews, examinations, and audits that are
22 required in connection therewith to assure compliance with the
23 contract.

24 Section 4. Subsection (2) of section 206.46, Florida
25 Statutes, is amended to read:

26 206.46 State Transportation Trust Fund.--

27 (2) Notwithstanding any other provisions of law, from
28 the revenues deposited into the State Transportation Trust
29 Fund a maximum of 7 percent in each fiscal year shall be
30 transferred into the Right-of-Way Acquisition and Bridge
31 Construction Trust Fund created in s. 215.605, as needed to

1 meet the requirements of the documents authorizing the bonds
2 issued or proposed to be issued under ss. 215.605 and 337.276
3 or at a minimum amount sufficient to pay for the debt service
4 coverage requirements of outstanding bonds. Notwithstanding
5 the 7 percent annual transfer authorized in this subsection,
6 the annual amount transferred under this subsection shall not
7 exceed an amount necessary to provide the required debt
8 service coverage levels for a maximum debt service not to
9 exceed ~~\$200~~\$135 million. Such transfer shall be payable
10 primarily from the motor and diesel fuel taxes transferred to
11 the State Transportation Trust Fund from the Fuel Tax
12 Collection Trust Fund.

13 Section 5. Paragraph (a) of subsection (1) of section
14 255.20, Florida Statutes, is amended to read:

15 255.20 Local bids and contracts for public
16 construction works; specification of state-produced lumber.--

17 (1) A county, municipality, special district as
18 defined in chapter 189, or other political subdivision of the
19 state seeking to construct or improve a public building,
20 structure, or other public construction works must
21 competitively award to an appropriately licensed contractor
22 each project that is estimated in accordance with generally
23 accepted cost-accounting principles to have total construction
24 project costs of more than \$200,000. For electrical work,
25 local government must competitively award to an appropriately
26 licensed contractor each project that is estimated in
27 accordance with generally accepted cost-accounting principles
28 to have a cost of more than \$50,000. As used in this section,
29 the term "competitively award" means to award contracts based
30 on the submission of sealed bids, proposals submitted in
31 response to a request for proposal, proposals submitted in

1 response to a request for qualifications, or proposals
2 submitted for competitive negotiation. This subsection
3 expressly allows contracts for construction management
4 services, design/build contracts, continuation contracts based
5 on unit prices, and any other contract arrangement with a
6 private sector contractor permitted by any applicable
7 municipal or county ordinance, by district resolution, or by
8 state law. For purposes of this section, construction costs
9 include the cost of all labor, except inmate labor, and
10 include the cost of equipment and materials to be used in the
11 construction of the project. Subject to the provisions of
12 subsection (3), the county, municipality, special district, or
13 other political subdivision may establish, by municipal or
14 county ordinance or special district resolution, procedures
15 for conducting the bidding process.

16 (a) The provisions of this subsection do not apply:

17 1. When the project is undertaken to replace,
18 reconstruct, or repair an existing facility damaged or
19 destroyed by a sudden unexpected turn of events, such as an
20 act of God, riot, fire, flood, accident, or other urgent
21 circumstances, and such damage or destruction creates:

22 a. An immediate danger to the public health or safety;

23 b. Other loss to public or private property which
24 requires emergency government action; or

25 c. An interruption of an essential governmental
26 service.

27 2. When, after notice by publication in accordance
28 with the applicable ordinance or resolution, the governmental
29 entity does not receive any responsive bids or responses.

30 3. To construction, remodeling, repair, or improvement
31 to a public electric or gas utility system when such work on

1 the public utility system is performed by personnel of the
2 system.

3 4. To construction, remodeling, repair, or improvement
4 by a utility commission whose major contracts are to construct
5 and operate a public electric utility system.

6 5. When the project is undertaken as repair or
7 maintenance of an existing public facility.

8 6. When the project is undertaken exclusively as part
9 of a public educational program.

10 7. When the funding source of the project will be
11 diminished or lost because the time required to competitively
12 award the project after the funds become available exceeds the
13 time within which the funding source must be spent.

14 8. When the local government has competitively awarded
15 a project to a private sector contractor and the contractor
16 has abandoned the project before completion or the local
17 government has terminated the contract.

18 9. When the governing board of the local government,
19 after public notice, conducts a public meeting under s.
20 286.011 and finds by a majority vote of the governing board
21 that it is in the public's best interest to perform the
22 project using its own services, employees, and equipment. The
23 public notice must be published at least 14 days prior to the
24 date of the public meeting at which the governing board takes
25 final action to apply this subparagraph. The notice must
26 identify the project, the estimated cost of the project, and
27 specify that the purpose for the public meeting is to consider
28 whether it is in the public's best interest to perform the
29 project using the local government's own services, employees,
30 and equipment. In deciding whether it is in the public's best
31 interest for local government to perform a project using its

1 own services, employees, and equipment, the governing board
2 may consider the cost of the project, whether the project
3 requires an increase in the number of government employees, an
4 increase in capital expenditures for public facilities,
5 equipment or other capital assets, the impact on local
6 economic development, the impact on small and minority
7 business owners, the impact on state and local tax revenues,
8 whether the private sector contractors provide health
9 insurance and other benefits equivalent to those provided by
10 the local government, and any other factor relevant to what is
11 in the public's best interest.

12 10. When the governing board of the local government
13 determines upon consideration of specific substantive criteria
14 and administrative procedures that it is in the best interest
15 of the local government to award the project to an
16 appropriately licensed private sector contractor according to
17 procedures established by and expressly set forth in a
18 charter, ordinance, or resolution of the local government
19 adopted prior to July 1, 1994. The criteria and procedures
20 must be set out in the charter, ordinance, or resolution and
21 must be applied uniformly by the local government to avoid
22 award of any project in an arbitrary or capricious manner.
23 This exception shall apply when all of the following occur:

24 a. When the governing board of the local government,
25 after public notice, conducts a public meeting under s.
26 286.011 and finds by a two-thirds vote of the governing board
27 that it is in the public's best interest to award the project
28 according to the criteria and procedures established by
29 charter, ordinance, or resolution. The public notice must be
30 published at least 14 days prior to the date of the public
31 meeting at which the governing board takes final action to

1 apply this subparagraph. The notice must identify the
2 project, the estimated cost of the project, and specify that
3 the purpose for the public meeting is to consider whether it
4 is in the public's best interest to award the project using
5 the criteria and procedures permitted by the preexisting
6 ordinance.

7 b. In the event the project is to be awarded by any
8 method other than a competitive selection process, the
9 governing board must find evidence that:

10 (I) There is one appropriately licensed contractor who
11 is uniquely qualified to undertake the project because that
12 contractor is currently under contract to perform work that is
13 affiliated with the project; or

14 (II) The time to competitively award the project will
15 jeopardize the funding for the project, or will materially
16 increase the cost of the project or will create an undue
17 hardship on the public health, safety, or welfare.

18 c. In the event the project is to be awarded by any
19 method other than a competitive selection process, the
20 published notice must clearly specify the ordinance or
21 resolution by which the private sector contractor will be
22 selected and the criteria to be considered.

23 d. In the event the project is to be awarded by a
24 method other than a competitive selection process, the
25 architect or engineer of record has provided a written
26 recommendation that the project be awarded to the private
27 sector contractor without competitive selection; and the
28 consideration by, and the justification of, the government
29 body are documented, in writing, in the project file and are
30 presented to the governing board prior to the approval
31 required in this paragraph.

1 11. To projects subject to chapter 336.

2 Section 6. Paragraph (g) of subsection (2) of section
3 287.055, Florida Statutes, is amended to read:

4 287.055 Acquisition of professional architectural,
5 engineering, landscape architectural, or surveying and mapping
6 services; definitions; procedures; contingent fees prohibited;
7 penalties.--

8 (2) DEFINITIONS.--For purposes of this section:

9 (g) A "continuing contract" is a contract for
10 professional services entered into in accordance with all the
11 procedures of this act between an agency and a firm whereby
12 the firm provides professional services to the agency for
13 projects in which construction costs do not exceed\$1 million
14 ~~\$500,000~~, for study activity when the fee for such
15 professional service does not exceed\$50,000~~\$25,000~~, or for
16 work of a specified nature as outlined in the contract
17 required by the agency, with no time limitation except that
18 the contract must provide a termination clause.

19 Section 7. Paragraphs (a) and (b) of subsection (3) of
20 section 311.07, Florida Statutes, are amended to read:

21 311.07 Florida seaport transportation and economic
22 development funding.--

23 (3)(a) Program funds shall be used to fund approved
24 projects on a 50-50 matching basis with any of the deepwater
25 ports, as listed in s. 403.021(9)(b), which is governed by a
26 public body or any other deepwater port which is governed by a
27 public body and which complies with the water quality
28 provisions of s. 403.061, the comprehensive master plan
29 requirements of s. 163.3178(2)(k), the local financial
30 management and reporting provisions of part III of chapter
31 218, and the auditing provisions of s. 11.45(3)(a)5. Program

1 funds also may be used by the Seaport Transportation and
2 Economic Development Council to develop ~~with the Florida Trade~~
3 ~~Data Center~~ such trade data information products which will
4 assist Florida's seaports and international trade.

5 (b) Projects eligible for funding by grants under the
6 program are limited to the following port facilities or port
7 transportation projects:

8 1. Transportation facilities within the jurisdiction
9 of the port.

10 2. The dredging or deepening of channels, turning
11 basins, or harbors.

12 3. The construction or rehabilitation of wharves,
13 docks, structures, jetties, piers, storage facilities, cruise
14 terminals, automated people mover systems, or any facilities
15 necessary or useful in connection with any of the foregoing.

16 4. The acquisition of container cranes or other
17 mechanized equipment used in the movement of cargo or
18 passengers in international commerce.

19 5. The acquisition of land to be used for port
20 purposes.

21 6. The acquisition, improvement, enlargement, or
22 extension of existing port facilities.

23 7. Environmental protection projects which are
24 necessary because of requirements imposed by a state agency as
25 a condition of a permit or other form of state approval; which
26 are necessary for environmental mitigation required as a
27 condition of a state, federal, or local environmental permit;
28 which are necessary for the acquisition of spoil disposal
29 sites and improvements to existing and future spoil sites; or
30 which result from the funding of eligible projects listed
31 herein.

1 8. Transportation facilities as defined in s.
2 334.03(31) which are not otherwise part of the Department of
3 Transportation's adopted work program.

4 9. Seaport intermodal access projects identified in
5 the 5-year Florida Seaport Mission Plan as provided in s.
6 311.09(3).

7 10. Construction or rehabilitation of port facilities
8 as defined in s. 315.02, excluding any park or recreational
9 facilities, in ports listed in s. 311.09(1) with operating
10 revenues of \$5 million or less, provided that such projects
11 create economic development opportunities, capital
12 improvements, and positive financial returns to such ports.

13 11. Seaport security projects identified pursuant to
14 s. 311.12. Seaport security projects are not subject to the
15 matching fund requirements of paragraph (a).

16 Section 8. Subsection (12) of section 311.09, Florida
17 Statutes, is amended to read:

18 311.09 Florida Seaport Transportation and Economic
19 Development Council.--

20 (12) Members of the council shall serve without
21 compensation but are entitled to receive reimbursement for per
22 diem and travel expenses as provided in s. 112.061. The
23 council may elect to provide an administrative staff to
24 provide services to the council on matters relating to the
25 Florida Seaport Transportation and Economic Development
26 Program and the council. The cost for such administrative
27 services shall be paid by all ports that receive funding from
28 the Florida Seaport Transportation and Economic Development
29 Program, based upon a pro rata formula measured by each
30 recipient's share of the funds as compared to the total funds
31 disbursed to all recipients during the year. The share of

1 costs for administrative services shall be paid in its total
2 amount by the recipient port upon execution by the port and
3 the Department of Transportation of a joint participation
4 agreement for each council-approved project, and such payment
5 is in addition to the matching funds required to be paid by
6 the recipient port. Except as otherwise exempted by law, all
7 moneys derived from the Florida Seaport Transportation and
8 Economic Development Program shall be expended in accordance
9 with the provisions of s. 287.057. Seaports subject to
10 competitive negotiation requirements of a local governing body
11 shall abide by the provisions of s. 287.055 ~~be exempt from~~
12 ~~this requirement.~~

13 Section 9. Paragraph (b) of subsection (1) of section
14 316.302, Florida Statutes, is amended to read:

15 316.302 Commercial motor vehicles; safety regulations;
16 transporters and shippers of hazardous materials;
17 enforcement.--

18 (1)

19 (b) Except as otherwise provided in this section, all
20 owners or drivers of commercial motor vehicles that are
21 engaged in intrastate commerce are subject to the rules and
22 regulations contained in 49 C.F.R. parts 382, 385, and
23 390-397, with the exception of 49 C.F.R. s. 390.5 as it
24 relates to the definition of bus, as such rules and
25 regulations existed on October 1, 2000 ~~March 1, 1999~~.

26 Section 10. Paragraph (a) of subsection (3) of section
27 316.3025, Florida Statutes, is amended to read:

28 316.3025 Penalties.--

29 (3)(a) A civil penalty of \$50 may be assessed for a
30 violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

31

1 Section 11. Subsection (2) of section 316.515, Florida
2 Statutes, is amended to read:

3 316.515 Maximum width, height, length.--

4 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
5 of 13 feet 6 inches, inclusive of load carried thereon.

6 However, an automobile transporter may, ~~with a permit from the~~
7 ~~Department of Transportation,~~ measure a height not to exceed
8 14 feet, inclusive of the load carried thereon.

9 Section 12. Subsection (6) of section 316.535, Florida
10 Statutes, is renumbered as subsection (7), present subsection
11 (7) is renumbered as subsection (8) and amended, and a new
12 subsection (6) is added to said section to read:

13 316.535 Maximum weights.--

14 (6) Dump trucks, concrete mixing trucks, trucks
15 engaged in waste collection and disposal, and fuel oil and
16 gasoline trucks designed and constructed for special type work
17 or use, when operated as a single unit, shall be subject to
18 all safety and operational requirements of law, except that
19 any such vehicle need not conform to the axle spacing
20 requirements of this section provided that such vehicle shall
21 be limited to a total gross load, including the weight of the
22 vehicle, of 20,000 pounds per axle plus scale tolerances and
23 shall not exceed 550 pounds per inch width tire surface plus
24 scale tolerances. No vehicle operating pursuant to this
25 section shall exceed a gross weight, including the weight of
26 the vehicle and scale tolerances, of 70,000 pounds. Any
27 vehicle violating the weight provisions of this section shall
28 be penalized as provided in s. 316.545.

29 ~~(7)(6)~~ The Department of Transportation shall adopt
30 rules to implement this section, shall enforce this section
31 and the rules adopted hereunder, and shall publish and

1 distribute tables and other publications as deemed necessary
2 to inform the public.

3 (8)~~(7)~~ Except as hereinafter provided, no vehicle or
4 combination of vehicles exceeding the gross weights specified
5 in subsections (3), (4), ~~and (5)~~, and (6) shall be permitted
6 to travel on the public highways within the state.

7 Section 13. Paragraph (a) of subsection (2) of section
8 316.545, Florida Statutes, is amended to read:

9 316.545 Weight and load unlawful; special fuel and
10 motor fuel tax enforcement; inspection; penalty; review.--

11 (2)(a) Whenever an officer, upon weighing a vehicle or
12 combination of vehicles with load, determines that the axle
13 weight or gross weight is unlawful, the officer may require
14 the driver to stop the vehicle in a suitable place and remain
15 standing until a determination can be made as to the amount of
16 weight thereon and, if overloaded, the amount of penalty to be
17 assessed as provided herein. However, any gross weight over
18 and beyond 6,000 pounds beyond the maximum herein set shall be
19 unloaded and all material so unloaded shall be cared for by
20 the owner or operator of the vehicle at the risk of such owner
21 or operator. Except as otherwise provided in this chapter, to
22 facilitate compliance with and enforcement of the weight
23 limits established in s. 316.535, weight tables published
24 pursuant to s. 316.535~~(7)~~~~(6)~~ shall include a 10-percent scale
25 tolerance and shall thereby reflect the maximum scaled weights
26 allowed any vehicle or combination of vehicles. As used in
27 this section, scale tolerance means the allowable deviation
28 from legal weights established in s. 316.535. Notwithstanding
29 any other provision of the weight law, if a vehicle or
30 combination of vehicles does not exceed the gross, external
31 bridge, or internal bridge weight limits imposed in s. 316.535

1 and the driver of such vehicle or combination of vehicles can
2 comply with the requirements of this chapter by shifting or
3 equalizing the load on all wheels or axles and does so when
4 requested by the proper authority, the driver shall not be
5 held to be operating in violation of said weight limits.

6 Section 14. Subsection (3) of section 316.650, Florida
7 Statutes, is amended to read:

8 316.650 Traffic citations.--

9 (3) Every traffic enforcement officer, upon issuing a
10 traffic citation to an alleged violator of any provision of
11 the motor vehicle laws of this state or of any traffic
12 ordinance of any city or town, shall issue a copy of the
13 Traffic School Reference Guide and shall deposit the original
14 citation and one copy of such traffic citation or, in the case
15 of a traffic enforcement agency which has an automated
16 citation issuance system, shall provide an electronic
17 facsimile with a court having jurisdiction over the alleged
18 offense or with its traffic violations bureau within 5 days
19 after issuance to the violator.

20 Section 15. Subsection (9) of section 318.14, Florida
21 Statutes, is amended to read:

22 318.14 Noncriminal traffic infractions; exception;
23 procedures.--

24 (9) Any person who is cited for an infraction under
25 this section other than a violation of s. 320.0605, s.
26 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or
27 s. 322.62 may, in lieu of a court appearance, elect to attend
28 in the location of his or her choice within this state a basic
29 driver improvement course approved by the Department of
30 Highway Safety and Motor Vehicles. In such a case,
31 adjudication must be withheld; points, as provided by s.

1 322.27, may not be assessed; and the civil penalty that is
2 imposed by s. 318.18(3) must be reduced by 18 percent;
3 however, a person may not make an election under this
4 subsection if the person has made an election under this
5 subsection in the preceding 12 months. ~~A person may make no~~
6 ~~more than five elections under this subsection.~~The
7 requirement for community service under s. 318.18(8) is not
8 waived by a plea of nolo contendere or by the withholding of
9 adjudication of guilt by a court.

10 Section 16. Subsection (4) of section 318.1451,
11 Florida Statutes, is amended to read:

12 318.1451 Driver improvement schools.--

13 (4) In addition to a regular course fee, an assessment
14 fee in the amount of \$2.50 shall be collected by the school
15 from each person who is court-ordered to attend a course or
16 elects to attend a course, as it relates to ss. 318.14(9),
17 322.0261, 322.02615, 322.05(2), 322.291, and 627.06501, which
18 shall be remitted to the Department of Highway Safety and
19 Motor Vehicles and deposited in the Highway Safety Operating
20 Trust Fund to administer this program and to fund the general
21 operations of the department.

22 Section 17. Paragraph (b) of subsection (1) and
23 subsection (2) of section 322.0261, Florida Statutes, are
24 amended to read:

25 322.0261 Mandatory driver improvement course; certain
26 crashes.--

27 (1) The department shall screen crash reports received
28 under s. 316.066 or s. 324.051 to identify crashes involving
29 the following:

30
31

1 (b) A ~~second crash by the same operator within the~~
2 ~~previous 2-year period~~ involving property damage in an
3 apparent amount of at least ~~\$2,500~~\$500.

4 (2) With respect to an operator convicted of, or who
5 pleaded nolo contendere to, a traffic offense giving rise to a
6 crash identified pursuant to subsection (1), the department
7 shall require that the operator, in addition to other
8 applicable penalties, attend a departmentally approved basic
9 driver improvement course in order to maintain driving
10 privileges. If the operator fails to complete the course
11 within 90 days of receiving notice from the department, the
12 operator's driver's license shall be canceled by the
13 department until the course is successfully completed.

14 Section 18. Section 322.02615, Florida Statutes, is
15 created to read:

16 322.02615 Mandatory driver improvement course; certain
17 violations.--

18 (1) The department shall screen reports of convictions
19 for violations of chapter 316 to identify operators who:

20 (a) Are less than 21 years of age and have been
21 convicted of, or pleaded nolo contendere to, a noncriminal
22 moving infraction and have also been convicted of, or pleaded
23 nolo contendere to, another noncriminal moving infraction
24 since initial license issuance.

25 (b) Have been convicted of, or pleaded nolo contendere
26 to, more than one noncriminal moving infraction in a 12-month
27 period.

28 (2) With respect to an operator convicted of, or who
29 has pleaded nolo contendere to, a noncriminal traffic offense
30 identified under subsection (1), the department shall require
31 that the operator, in addition to other applicable penalties,

1 attend a departmentally approved basic driver improvement
2 course in order to maintain driving privileges. If the
3 operator fails to complete the course within 90 days after
4 receiving notice from the department, the operator's driver's
5 license shall be suspended by the department until the course
6 is successfully completed.

7 (3) Attendance of a course approved by the department
8 as a driver improvement course for purposes of s. 318.14(9)
9 shall satisfy the requirements of this section. However,
10 attendance of a course as required by this section is not
11 included in the limitation on course elections under s.
12 318.14(9).

13 Section 19. Subsection (2) of section 322.05, Florida
14 Statutes, is amended to read:

15 322.05 Persons not to be licensed.--The department may
16 not issue a license:

17 (2) To a person who is at least 16 years of age but is
18 under 18 years of age unless the person has satisfactorily
19 completed a Department of Education driver's education course
20 offered pursuant to s. 233.063 or a driver's education course
21 licensed pursuant to s. 488.01 or a basic driver improvement
22 course which has been approved by the Department of Highway
23 Safety and Motor Vehicles and meets the requirements of s.
24 322.091 and holds a valid:

25 (a) Learner's driver's license for at least 12 months,
26 with no traffic convictions, before applying for a license;

27 (b) Learner's driver's license for at least 12 months
28 and who has a traffic conviction but elects to attend a
29 traffic driving school for which adjudication must be withheld
30 pursuant to s. 318.14; or

31

1 (c) License that was issued in another state or in a
2 foreign jurisdiction and that would not be subject to
3 suspension or revocation under the laws of this state.

4 Section 20. Section 330.27, Florida Statutes, is
5 amended to read:

6 330.27 Definitions, when used in ss. 330.29-330.36,
7 330.38, 330.39.--

8 (1) "Aircraft" means a powered or unpowered machine or
9 device capable of atmosphere flight ~~any motor vehicle or~~
10 ~~contrivance now known, or hereafter invented, which is used or~~
11 ~~designed for navigation of or flight in the air, except a~~
12 ~~parachute or other such device contrivance designed for such~~
13 ~~navigation but~~ used primarily as safety equipment.

14 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
15 ~~any manmade object or facility located thereon, which is used~~
16 for, or intended to be used for, use, for the landing and
17 takeoff of aircraft, including and any appurtenant areas,
18 ~~which are used, or intended for use, for airport buildings, or~~
19 ~~other airport facilities, or rights-of-way necessary to~~
20 facilitate such use or intended use, ~~together with all airport~~
21 ~~buildings and facilities located thereon.~~

22 ~~(3) "Airport hazard" means any structure, object of~~
23 ~~natural growth, or use of land which obstructs the airspace~~
24 ~~required for the flight of aircraft in landing or taking off~~
25 ~~at an airport or which is otherwise hazardous to such landing~~
26 ~~or taking off.~~

27 ~~(4) "Aviation" means the science and art of flight and~~
28 ~~includes, but is not limited to, transportation by aircraft;~~
29 ~~the operation, construction, repair, or maintenance of~~
30 ~~aircraft, aircraft power plants, and accessories, including~~
31 ~~the repair, packing, and maintenance of parachutes; the~~

1 ~~design, establishment, construction, extension, operation,~~
2 ~~improvement, repair, or maintenance of airports or other air~~
3 ~~navigation facilities; and instruction in flying or ground~~
4 ~~subjects pertaining thereto.~~

5 (3)~~(5)~~ "Department" means the Department of
6 Transportation.

7 (4)~~(6)~~ "Limited airport" means any ~~an~~ airport,
8 ~~publicly or privately owned,~~ limited exclusively to the
9 specific conditions stated on the site approval order or
10 license.

11 ~~(7)~~ "Operation of aircraft" or "operate aircraft"
12 ~~means the use, navigation, or piloting of aircraft in the~~
13 ~~airspace over this state or upon any airport within this~~
14 ~~state.~~

15 ~~(8)~~ "Political subdivision" means ~~any county,~~
16 ~~municipality, district, port or aviation commission or~~
17 ~~authority, or similar entity authorized to establish or~~
18 ~~operate an airport in this state.~~

19 (5)~~(9)~~ "Private airport" means an airport, publicly or
20 privately owned, which is not open or available for use by the
21 public. A private airport is registered with the department
22 for use of the person or persons registering the facility used
23 primarily by the licensee but may be made which is available
24 to others for use by invitation of the registrant licensee.
25 ~~Services may be provided if authorized by the department.~~

26 (6)~~(10)~~ "Public airport" means an airport, publicly or
27 privately owned, which ~~meets minimum safety and service~~
28 ~~standards and is open for use by the public as listed in the~~
29 current United States Government Flight Information
30 Publication, Airport Facility Directory. A public airport is
31

1 licensed by the department as meeting minimum safety
2 standards.

3 (7)(11) "Temporary airport" means any ~~an~~ airport,
4 ~~publicly or privately owned,~~ that will be used for a period of
5 less than 30 ~~90~~ days with no more than 10 operations per day.

6 (8)(12) "Ultralight aircraft" means any
7 ~~heavier-than-air, motorized~~ aircraft meeting ~~which meets~~ the
8 criteria for ~~maximum weight, fuel capacity, and airspeed~~
9 established for ~~such aircraft~~ by the Federal Aviation
10 Regulation Administration under Part 103 of the Federal
11 Aviation Regulations.

12 Section 21. Section 330.29, Florida Statutes, is
13 amended to read:

14 330.29 Administration and enforcement; rules;
15 standards for airport sites and airports.--It is the duty of
16 the department to:

17 (1) Administer and enforce the provisions of this
18 chapter.

19 (2) Establish minimum standards for airport sites and
20 airports under its licensing and registration jurisdiction.

21 (3) Establish and maintain a state aviation data
22 system to facilitate licensing and registration of all
23 airports.

24 (4)(3) Adopt rules pursuant to ss. 120.536(1) and
25 120.54 to implement the provisions of this chapter.

26 Section 22. Section 330.30, Florida Statutes, is
27 amended to read:

28 330.30 Approval of airport sites and licensing of
29 airports; ~~fees.~~--

30 (1) SITE APPROVALS; REQUIREMENTS, ~~FEE~~, EFFECTIVE
31 PERIOD, REVOCATION.--

1 (a) Except as provided in subsection (3), the owner or
2 lessee of any proposed airport shall, prior to site ~~the~~
3 ~~acquisition of the site~~ or ~~prior to the~~ construction or
4 establishment of the proposed airport, obtain approval of the
5 airport site from the department. Applications for approval
6 of a site ~~and for an original license~~ shall be jointly made on
7 a form prescribed by the department ~~and shall be accompanied~~
8 ~~by a site approval fee of \$100~~. The department, ~~after~~
9 ~~inspection of the airport site,~~ shall grant the site approval
10 if it is satisfied:

11 1. That the site is suitable ~~adequate~~ for the airport
12 as proposed airport;

13 2. That the airport as proposed ~~airport, if~~
14 ~~constructed or established,~~ will conform to minimum standards
15 ~~of safety~~ and will comply with the applicable local government
16 land development regulation or county or municipal zoning
17 requirements;

18 3. That all nearby airports, local governments
19 ~~municipalities~~, and property owners have been notified and any
20 comments submitted by them have been given adequate
21 consideration; and

22 4. That safe air-traffic patterns can be established
23 ~~worked out~~ for the proposed airport with ~~and for~~ all existing
24 airports and approved airport sites in its vicinity.

25 (b) Site approval shall be granted for public airports
26 only after a favorable department inspection of the proposed
27 site.

28 (c) Site approval shall be granted for private
29 airports only after receipt of documentation the department
30 deems necessary to satisfy the conditions in paragraph (a).
31

1 ~~(d)(b)~~ Site approval may be granted subject to any
2 reasonable conditions ~~which~~ the department deems ~~may deem~~
3 necessary to protect the public health, safety, or welfare.

4 ~~(e)~~ Such Approval shall remain valid in effect for a
5 ~~period of 2 years~~ after the date of issue ~~issuance of the site~~
6 ~~approval order~~, unless ~~sooner~~ revoked by the department or
7 ~~unless, prior to the expiration of the 2-year period,~~ a public
8 airport license is issued or private airport registration
9 granted for an airport located on the approved site has been
10 ~~issued~~ pursuant to subsection (2) prior to the expiration
11 date.

12 ~~(f)~~ The department may extend a site approval ~~may be~~
13 ~~extended for up to a maximum of 2 years for upon~~ good cause
14 ~~shown by the owner or lessee of the airport site~~.

15 ~~(g)(e)~~ The department may revoke a site ~~such~~ approval
16 if it determines:

17 1. That ~~there has been an abandonment of the site~~ has
18 been abandoned as an airport site;

19 2. That ~~there has been a failure within a reasonable~~
20 ~~time to develop~~ the site has not been developed as an airport
21 within a reasonable time period or development does not to
22 comply with the conditions of the site approval;

23 3. That except as required for in-flight emergencies
24 ~~the operation of aircraft have operated of a nonemergency~~
25 ~~nature has occurred~~ on the site; or

26 4. That, ~~because of changed physical or legal~~
27 ~~conditions or circumstances,~~ the site is no longer usable for
28 the aviation purposes due to physical or legal changes in
29 conditions that were the subject of for which the approval was
30 granted.

31

1 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
2 RENEWAL, REVOCATION.--

3 (a) Except as provided in subsection (3), the owner or
4 lessee of any an airport in this state must have either a
5 public airport obtain a license or private airport
6 registration prior to the operation of aircraft to or from the
7 facility on the airport. An Application for a such license or
8 registration shall be made on a form prescribed by the
9 department and shall be accomplished jointly with an
10 application for site approval. Upon granting site approval;
11 making a favorable final airport inspection report indicating
12 compliance with all license requirements, and receiving the
13 appropriate license fee, the department shall issue a license
14 to the applicant, subject to any reasonable conditions that
15 the department may deem necessary to protect the public
16 health, safety, or welfare.

17 1. For a public airport, the department shall issue a
18 license after a final airport inspection finds the facility to
19 be in compliance with all requirements for the license. The
20 license may be subject to any reasonable conditions that the
21 department may deem necessary to protect the public health,
22 safety, or welfare.

23 2. For a private airport, the department shall provide
24 controlled electronic access to the state aviation facility
25 data system to permit the applicant to complete the
26 registration process. Registration shall be completed upon
27 self-certification by the registrant of operational and
28 configuration data deemed necessary by the department.

29 (b) The department is authorized to license a public
30 an airport that does not meet all of the minimum standards
31 only if it determines that such exception is justified by

1 unusual circumstances or is in the interest of public
2 convenience and does not endanger the public health, safety,
3 or welfare. Such a license shall bear the designation
4 "special" and shall state the conditions subject to which the
5 license is granted.

6 (c) The department may authorize a site to be used as
7 a temporary airport if it finds, after inspection of the site,
8 that the airport will not endanger the public health, safety,
9 or welfare. A temporary airport will not require a license or
10 registration. Such Authorization to use a site for a temporary
11 airport will be valid for shall expire not more later than 30
12 90 days after issuance and is not renewable.

13 ~~(d) The license fees for the four categories of~~
14 ~~airport licenses are:~~

- 15 1. ~~Public airport: \$100.~~
- 16 2. ~~Private airport: \$70.~~
- 17 3. ~~Limited airport: \$50.~~
- 18 4. ~~Temporary airport: \$25.~~

19
20 ~~Airports owned or operated by the state, a county, or a~~
21 ~~municipality and emergency helistops operated by licensed~~
22 ~~hospitals are required to be licensed but are exempt from the~~
23 ~~payment of site approval fees and annual license fees.~~

24 (d)(e)1. Each public airport license will expire no
25 later than 1 year after the effective date of the license,
26 except that the expiration date of a license may be adjusted
27 to provide a maximum license period of 18 months to facilitate
28 airport inspections, recognize seasonal airport operations, or
29 improve administrative efficiency. ~~If the expiration date for~~
30 ~~a public airport is adjusted, the appropriate license fee~~

31

1 ~~shall be determined by prorating the annual fee based on the~~
2 ~~length of the adjusted license period.~~

3 2. Registration ~~The license period for private all~~
4 ~~airports other than public airports will remain valid provided~~
5 ~~specific elements of airport data, established by the~~
6 ~~department, are periodically recertified by the airport~~
7 ~~registrant. The ability to recertify private airport~~
8 ~~registration data shall be available at all times by~~
9 ~~electronic submittal. Recertification shall be required each~~
10 ~~12 months. A private airport registration that has not been~~
11 ~~recertified in the 12-month period following the last~~
12 ~~certification shall expire. The expiration date of the current~~
13 ~~registration period will be clearly identifiable from the~~
14 ~~state aviation facility data system.~~~~be set by the department,~~
15 ~~but shall not exceed a period of 5 years. In determining the~~
16 ~~license period for such airports, the department shall~~
17 ~~consider the number of based aircraft, the airport location~~
18 ~~relative to adjacent land uses and other airports, and any~~
19 ~~other factors deemed by the department to be critical to~~
20 ~~airport operation and safety.~~

21 3. The effective date and expiration date shall be
22 shown on public airport licenses ~~stated on the face of the~~
23 ~~license.~~ Upon receiving an application for renewal of a public
24 airport license on a form prescribed by the department and,
25 making a favorable inspection report indicating compliance
26 with all applicable requirements and conditions, ~~and receiving~~
27 ~~the appropriate annual license fee,~~ the department shall renew
28 the license, subject to any conditions deemed necessary to
29 protect the public health, safety, or welfare.
30
31

1 4. The department may require a new site approval for
2 any ~~an~~ airport if the license or registration ~~of the airport~~
3 has expired ~~not been renewed by the expiration date.~~

4 5. If the renewal application for a public airport
5 license has ~~and fees have~~ not been received by the department
6 or no private airport registration recertification has been
7 accomplished within 15 days after the date of expiration ~~of~~
8 ~~the license~~, the department may close the airport.

9 ~~(e)(f)~~ The department may revoke any airport
10 registration, license, or license renewal ~~thereof~~, or refuse
11 to allow registration or issue a registration or license
12 renewal, if it determines:

13 1. That the site ~~there~~ has been abandoned as an ~~an~~
14 ~~abandonment of the airport as such;~~

15 2. That the airport does not ~~there has been a failure~~
16 ~~to~~ comply with the registration, license, license renewal, or
17 site conditions ~~of the license or renewal thereof; or~~

18 3. That, ~~because of changed physical or legal~~
19 ~~conditions or circumstances~~, the airport has become either
20 unsafe or unusable for flight operation due to physical or
21 legal changes in conditions that were the subject of approval
22 ~~the aeronautical purposes for which the license or renewal was~~
23 ~~issued.~~

24 (3) EXEMPTIONS.--The provisions of this section do not
25 apply to:

26 (a) An airport owned or operated by the United States.

27 (b) An ultralight aircraft landing area; ~~except that~~
28 ~~any public ultralight airport~~ located more than ~~within~~ 5
29 nautical miles from a ~~of another~~ public ~~airport~~ or military
30 airport, except ~~or~~ any ultralight landing area with more than
31

1 10 ultralight aircraft operating from the site ~~is subject to~~
2 ~~the provisions of this section.~~

3 (c) A helistop used solely in conjunction with a
4 construction project undertaken pursuant to the performance of
5 a state contract if the purpose of the helicopter operations
6 at the site is to expedite construction.

7 ~~(d) An airport under the jurisdiction or control of a~~
8 ~~county or municipal aviation authority or a county or~~
9 ~~municipal port authority or the Spaceport Florida Authority;~~
10 ~~however, the department shall license any such airport if such~~
11 ~~authority does not elect to exercise its exemption under this~~
12 ~~subsection.~~

13 (d)(e) A helistop used by mosquito control or
14 emergency services, not to include areas where permanent
15 facilities are installed, such as hospital landing sites.

16 (e)(f) An airport which meets the criteria of s.
17 330.27(11) used exclusively for aerial application or spraying
18 of crops on a seasonal basis, not to include any licensed
19 airport where permanent crop aerial application or spraying
20 facilities are installed, if the period of operation does not
21 exceed 30 days per calendar year. Such proposed airports,
22 which will be located within 3 miles of existing airports or
23 approved airport sites, shall work out safe air-traffic
24 patterns with such existing airports or approved airport
25 sites, by memorandums of understanding, or by letters of
26 agreement between the parties representing the airports or
27 sites.

28 (4) EXCEPTIONS.--Private airports with ten or more
29 based aircraft may request to be inspected and licensed by the
30 department. Private airports licensed according to this
31

1 subsection shall be considered private airports as defined in
2 s. 330.27(5) in all other respects.

3 Section 23. Subsection (2) of section 330.35, Florida
4 Statutes, is amended to read:

5 330.35 Airport zoning, ~~approach zone~~ protection.--

6 (2) Airports licensed for ~~general~~ public use under the
7 provisions of s. 330.30 are eligible for airport zoning
8 ~~approach zone~~ protection, ~~and the procedure shall be the same~~
9 as ~~is~~ prescribed in chapter 333.

10 Section 24. Subsection (2) of section 330.36, Florida
11 Statutes, is amended to read:

12 330.36 Prohibition against county or municipal
13 licensing of airports; regulation of seaplane landings.--

14 (2) A municipality may prohibit or otherwise regulate,
15 for specified public health and safety purposes, the landing
16 of seaplanes in and upon any public waters of the state which
17 are located within the limits or jurisdiction of, or bordering
18 on, the municipality upon adoption of zoning requirements in
19 compliance with the provisions of subsection (1).

20 Section 25. Subsection (4) of section 332.004, Florida
21 Statutes, is amended to read:

22 332.004 Definitions of terms used in ss.

23 332.003-332.007.--As used in ss. 332.003-332.007, the term:

24 (4) "Airport or aviation development project" or
25 "development project" means any activity associated with the
26 design, construction, purchase, improvement, or repair of a
27 public-use airport or portion thereof, including, but not
28 limited to: the purchase of equipment; the acquisition of
29 land, including land required as a condition of a federal,
30 state, or local permit or agreement for environmental
31 mitigation; off-airport noise mitigation projects;the

1 removal, lowering, relocation, marking, and lighting of
2 airport hazards; the installation of navigation aids used by
3 aircraft in landing at or taking off from a public airport;
4 the installation of safety equipment required by rule or
5 regulation for certification of the airport under s. 612 of
6 the Federal Aviation Act of 1958, and amendments thereto; and
7 the improvement of access to the airport by road or rail
8 system which is on airport property and which is consistent,
9 to the maximum extent feasible, with the approved local
10 government comprehensive plan of the units of local government
11 in which the airport is located.

12 Section 26. Subsection (4) is added to section 333.06,
13 Florida Statutes, to read:

14 333.06 Airport zoning requirements.--

15 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO
16 AFFECTED LOCAL GOVERNMENTS.--An airport master plan shall be
17 prepared by each publicly owned and operated airport licensed
18 by the Department of Transportation under chapter 330. The
19 authorized entity having responsibility for governing the
20 operation of the airport, when either requesting from or
21 submitting to a state or federal governmental agency with
22 funding or approval jurisdiction a "finding of no significant
23 impact," an environmental assessment, a site-selection study,
24 an airport master plan, or any amendment to an airport master
25 plan, shall submit simultaneously a copy of said request,
26 submittal, assessment, study, plan, or amendments by certified
27 mail to all affected local governments. For the purposes of
28 this subsection, "affected local government" is defined as any
29 city or county having jurisdiction over the airport and any
30 city or county located within 2 miles of the boundaries of the
31 land subject to the airport master plan.

1 Section 27. Subsection (5) and paragraph (b) of
2 subsection (15) of section 334.044, Florida Statutes, are
3 amended to read:

4 334.044 Department; powers and duties.--The department
5 shall have the following general powers and duties:

6 (5) To purchase, lease, or otherwise acquire property
7 and materials, including the purchase of promotional items as
8 part of public information and education campaigns for the
9 promotion of scenic highways, traffic and train safety
10 awareness, alternatives to single-occupant vehicle travel, and
11 commercial motor vehicle safety; to purchase, lease, or
12 otherwise acquire equipment and supplies; and to sell,
13 exchange, or otherwise dispose of any property that is no
14 longer needed by the department.

15 (15) To regulate and prescribe conditions for the
16 transfer of stormwater to the state right-of-way as a result
17 of manmade changes to adjacent properties.

18 (b) The department is specifically authorized to adopt
19 rules which set forth the purpose; necessary definitions;
20 permit exceptions; permit and assurance requirements; permit
21 application procedures; permit forms; general conditions for a
22 drainage permit; provisions for suspension or revocation of a
23 permit; and provisions for department recovery of fines,
24 penalties, and costs incurred due to permittee actions. In
25 order to avoid duplication and overlap with other units of
26 government, the department shall accept a surface water
27 management permit issued by a water management district, the
28 Department of Environmental Protection, a surface water
29 management permit issued by a delegated local government, or a
30 permit issued pursuant to an approved Stormwater Management
31 Plan or Master Drainage Plan; provided issuance is based on

1 requirements equal to or more stringent than those of the
2 department. The department may enter into a permit delegation
3 agreement with a governmental entity provided issuance is
4 based on requirements that the department determines will
5 ensure the safety and integrity of the Department of
6 Transportation facilities.

7 Section 28. Section 334.193, Florida Statutes, is
8 amended to read:

9 334.193 Unlawful for certain persons to be financially
10 interested in purchases, sales, and certain contracts;
11 penalties.--

12 (1) It is unlawful for a state officer, or an employee
13 or agent of the department, or for any company, corporation,
14 or firm in which a state officer, or an employee or agent of
15 the department has a financial interest, to bid on, enter
16 into, or be personally interested in:

17 (a) The purchase or the furnishing of any materials or
18 supplies to be used in the work of the state.

19 (b) A contract for the construction of any state road,
20 the sale of any property, or the performance of any other work
21 for which the department is responsible.

22 (2) Notwithstanding the provisions of subsection (1):

23 (a) The department is authorized to consider
24 competitive bids or proposals by employees or employee work
25 groups who have a financial interest in matters referenced in
26 subsection (1), where the subject matter of a request for bids
27 or proposals by the department includes functions performed by
28 the employees or employee work groups of the department prior
29 to the request for bids or proposals. However, if the
30 employees, employee work groups, or entity in which an
31 employee of the department has an interest is the successful

1 bidder or proposer, such employee or employees must resign
2 from department employment prior to executing an agreement to
3 perform the matter bid upon.

4 (b) The department is authorized to consider
5 competitive bids or proposals of employees or employee work
6 groups submitted on behalf of the department to perform the
7 subject matter of requests for bids or proposals. The
8 department is authorized to select such bid or proposal for
9 performance of the work by the department.

10
11 The department is authorized to update existing rules or
12 promulgate new rules pertaining to employee usage of
13 department equipment, facilities, and supplies during business
14 hours for nondepartment activities in order to implement this
15 subsection.

16 (3) Any person who is convicted of a violation of this
17 section is guilty of a misdemeanor of the first degree,
18 punishable as provided in s. 775.082 or s. 775.083, and shall
19 be removed from his or her office or employment.

20 Section 29. Section 334.30, Florida Statutes, is
21 amended to read:

22 334.30 Public-private ~~Private~~ transportation
23 facilities.--The Legislature hereby finds and declares that
24 there is a public need for rapid construction of safe and
25 efficient transportation facilities for the purpose of travel
26 within the state, and that it is in the public's interest to
27 provide for public-private partnership agreements to
28 effectuate the construction of additional safe, convenient,
29 and economical transportation facilities.

30 (1) The department may receive or solicit proposals
31 ~~and, with legislative approval by a separate bill for each~~

1 ~~facility,~~ enter into agreements with private entities, or
2 consortia thereof, for the building, operation, ownership, or
3 financing of transportation facilities. The department is
4 authorized to adopt rules to implement this section and shall
5 by rule establish an application fee for the submission of
6 proposals under this section. The fee must be sufficient to
7 pay the costs of evaluating the proposals. The department may
8 engage the services of private consultants to assist in the
9 evaluation. Before ~~seeking legislative~~ approval, the
10 department must determine that the proposed project:

11 (a) Is in the public's best interest. ~~†~~

12 (b) Would not require state funds to be used unless
13 there is an overriding state interest. However, the department
14 may use state resources for a transportation facility project
15 that is on the State Highway System or that provides for
16 increased mobility on the state's transportation system.† and

17 (c) Would have adequate safeguards in place to ensure
18 that no additional costs or service disruptions would be
19 realized by the traveling public and citizens of the state in
20 the event of default or cancellation of the agreement by the
21 department.

22
23 ~~The department shall ensure that all reasonable costs to the~~
24 ~~state and substantially affected local governments and~~
25 ~~utilities, related to the private transportation facility, are~~
26 ~~borne by the private entity.~~

27 (2) The use of funds from the State Transportation
28 Trust Fund is limited to advancing projects already programmed
29 in the adopted 5-year work program or to no more than a
30 statewide total of \$50 million in capital costs for all
31 projects not programmed in the adopted 5-year work program.

1 (3) The department may request proposals for
2 public-private transportation proposals or, if the department
3 receives a proposal, shall publish a notice in a newspaper of
4 general circulation at least once a week for 2 weeks, stating
5 that the department has received the proposal and will accept,
6 for 60 days after the initial date of publication, other
7 proposals for the same project purpose. A copy of the notice
8 must be mailed to each local government in the affected area.
9 Notwithstanding any other provision of law, entities selected
10 by the department in this manner shall be deemed to have
11 complied with open competition provisions of law.

12 (4) A separate bill for projects requiring legislative
13 approval shall be required for each facility requesting funds
14 from the State Transportation Trust Fund in excess of a
15 statewide total of \$50 million in capital cost for all
16 projects not programmed in the 5-year work program.

17 (5)~~(2)~~ Agreements entered into pursuant to this
18 section may authorize the private entity to impose tolls or
19 fares for the use of the facility. However, the amount and
20 use of toll or fare revenues may be regulated by the
21 department to avoid unreasonable costs to users of the
22 facility.

23 (6)~~(3)~~ Each ~~private~~ transportation facility
24 constructed pursuant to this section shall comply with all
25 requirements of federal, state, and local laws; state,
26 regional, and local comprehensive plans; department rules,
27 policies, procedures, and standards for transportation
28 facilities; and any other conditions which the department
29 determines to be in the public's best interest.

30 (7)~~(4)~~ The department may exercise any power possessed
31 by it, including eminent domain, with respect to the

1 development and construction of state transportation projects
2 to facilitate the development and construction of
3 transportation projects pursuant to this section. For
4 public-private facilities located on the State Highway System,
5 the department may pay all or part of the cost of operating
6 and maintaining the facility. For facilities not located on
7 the State Highway System, the department may provide services
8 to the private entity and agreements for maintenance, law
9 enforcement, and other services ~~entered into pursuant to this~~
10 ~~section~~ shall provide for full reimbursement for services
11 rendered.

12 (8)(5) Except as herein provided, the provisions of
13 this section are not intended to amend existing laws by
14 granting additional powers to, or further restricting, local
15 governmental entities from regulating and entering into
16 cooperative arrangements with the private sector for the
17 planning, construction, and operation of transportation
18 facilities.

19 (9) The department shall have the authority to create,
20 or assist in the creation of, tax-exempt, public-purpose
21 chapter 63-20 corporations as provided for under the Internal
22 Revenue Code, for the purpose of shielding the state from
23 possible financing risks for projects under this section.
24 Chapter 63-20 corporations may receive State Transportation
25 Trust Fund grants from the department. The department shall be
26 empowered to enter into public-private partnership agreements
27 with chapter 63-20 corporations for projects under this
28 section.

29 (10) The department may lend funds from the Toll
30 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
31 chapter 63-20 corporations that propose projects containing

1 toll facilities. To be eligible, the chapter 63-20 corporation
2 must meet the provisions of s. 338.251 and must also provide
3 credit support, such as a letter of credit or other means
4 acceptable to the department, to ensure the loans will be
5 repaid as required by law.

6 (11)(6) Notwithstanding s. 341.327, a fixed-guideway
7 transportation system authorized by the department to be
8 wholly or partially within the department's right-of-way
9 pursuant to a lease granted under s. 337.251 may operate at
10 any safe speed.

11 Section 30. Section 335.066, Florida Statutes, is
12 created to read:

13 335.066 Safe Paths to Schools Program.--

14 (1) There is hereby established within the Department
15 of Transportation the Safe Paths to Schools Program to
16 consider the planning and construction of bicycle and
17 pedestrian ways to provide safe transportation for children
18 from neighborhoods to schools, parks, and the state's
19 greenways and trails system.

20 (2) As part of the Safe Paths to Schools Program, the
21 department may establish a grant program to fund local,
22 regional, and state bicycle and pedestrian projects that
23 support the program.

24 (3) The department may adopt appropriate rules for the
25 administration of the Safe Paths to Schools Program.

26 Section 31. Subsections (3), (4), and (5) of section
27 335.141, Florida Statutes, are amended to read:

28 335.141 Regulation of public railroad-highway grade
29 crossings; reduction of hazards.--

30 ~~(3) The department is authorized to regulate the speed~~
31 ~~limits of railroad traffic on a municipal, county, regional,~~

1 ~~or statewide basis. Such speed limits shall be established by~~
2 ~~order of the department, which order is subject to the~~
3 ~~provisions of chapter 120. The department shall have the~~
4 ~~authority to adopt reasonable rules to carry out the~~
5 ~~provisions of this subsection. Such rules shall, at a minimum,~~
6 ~~provide for public input prior to the issuance of any such~~
7 ~~order.~~

8 ~~(4) Jurisdiction to enforce such orders shall be as~~
9 ~~provided in s. 316.640, and any penalty for violation thereof~~
10 ~~shall be imposed upon the railroad company guilty of such~~
11 ~~violation.~~ Nothing herein shall prevent a local governmental
12 entity from enacting ordinances relating to the blocking of
13 streets by railroad engines and cars.

14 ~~(4)(5)~~ Any local governmental entity or other public
15 or private agency planning a public event, such as a parade or
16 race, that involves the crossing of a railroad track shall
17 notify the railroad as far in advance of the event as possible
18 and in no case less than 72 hours in advance of the event so
19 that the coordination of the crossing may be arranged by the
20 agency and railroad to assure the safety of the railroad
21 trains and the participants in the event.

22 Section 32. Section 336.12, Florida Statutes, is
23 amended to read:

24 336.12 Closing and abandonment of roads; termination
25 of easement; conveyance of fee; optional conveyance for gated
26 communities.--

27 (1) Except as otherwise provided in subsection (2),
28 the act of any commissioners in closing or abandoning any such
29 road, or in renouncing or disclaiming any rights in any land
30 delineated on any recorded map as a road, shall abrogate the
31 easement theretofore owned, held, claimed or used by or on

1 behalf of the public and the title of fee owners shall be
2 freed and released therefrom; and if the fee of road space has
3 been vested in the county, same will be thereby surrendered
4 and will vest in the abutting fee owners to the extent and in
5 the same manner as in case of termination of an easement for
6 road purposes.

7 (2) The governing body of the county may abandon the
8 roads and rights-of-way dedicated in a recorded residential
9 subdivision plat and simultaneously convey the county's
10 interest in such roads, rights-of-way, and appurtenant
11 drainage facilities to a homeowners' association for the
12 subdivision, if the following conditions have been met:

13 (a) The homeowners' association has requested the
14 abandonment and conveyance in writing for the purpose of
15 converting the subdivision to a gated neighborhood with
16 restricted public access.

17 (b) No fewer than four-fifths of the owners of record
18 of property located in the subdivision have consented in
19 writing to the abandonment and simultaneous conveyance to the
20 homeowners' association.

21 (c) The homeowners' association is both a corporation
22 not for profit organized and in good standing under chapter
23 617, and a "homeowners' association" as defined in s.
24 720.301(7) with the power to levy and collect assessments for
25 routine and periodic major maintenance and operation of street
26 lighting, drainage, sidewalks, and pavement in the
27 subdivision.

28 (d) The homeowners' association has entered into and
29 executed such agreements, covenants, warranties, and other
30 instruments; has provided, or has provided assurance of, such
31 funds, reserve funds, and funding sources; and has satisfied

1 such other requirements and conditions as may be established
2 or imposed by the county with respect to the ongoing
3 operation, maintenance, and repair and the periodic
4 reconstruction or replacement of the roads, drainage, street
5 lighting, and sidewalks in the subdivision after the
6 abandonment by the county.

7
8 Upon abandonment of the roads and rights-of-way and the
9 conveyance thereof to the homeowners' association, the
10 homeowners' association shall have all the rights, title, and
11 interests in the roads and rights-of-way, including all
12 appurtenant drainage facilities, as were previously vested in
13 the county. Thereafter, the homeowners' association shall
14 hold the roads and rights-of-way in trust for the benefit of
15 the owners of the property in the subdivision, and shall
16 operate, maintain, repair, and, from time to time, replace and
17 reconstruct the roads, street lighting, sidewalks, and
18 drainage facilities as necessary to ensure their use and
19 enjoyment by the property owners, tenants, and residents of
20 the subdivision and their guests and invitees.

21 Section 33. Subsection (4) is added to section 336.41,
22 Florida Statutes, to read:

23 336.41 Counties; employing labor and providing road
24 equipment; definitions.--

25 (4)(a) For contracts in excess of \$250,000, any county
26 may require that persons interested in performing work under
27 the contract first be certified or qualified to do the work.
28 Any contractor prequalified and considered eligible to bid by
29 the department to perform the type of work described under the
30 contract shall be presumed to be qualified to perform the work
31 so described. Any contractor may be considered ineligible to

1 bid by the county if the contractor is behind an approved
2 progress schedule by 10 percent or more on another project for
3 that county at the time of the advertisement of the work. The
4 county may provide an appeal process to overcome such
5 consideration with de novo review based on the record below to
6 the circuit court.

7 (b) The county shall publish prequalification criteria
8 and procedures prior to advertisement or notice of
9 solicitation. Such publications shall include notice of a
10 public hearing for comment on such criteria and procedures
11 prior to adoption. The procedures shall provide for an appeal
12 process within the county for objections to the
13 prequalification process with de novo review based on the
14 record below to the circuit court.

15 (c) The county shall also publish for comment, prior
16 to adoption, the selection criteria and procedures to be used
17 by the county if such procedures would allow selection of
18 other than the lowest responsible bidder. The selection
19 criteria shall include an appeal process within the county
20 with de novo review based on the record below to the circuit
21 court.

22 Section 34. Subsection (2) of section 336.44, Florida
23 Statutes, is amended to read:

24 336.44 Counties; contracts for construction of roads;
25 procedure; contractor's bond.--

26 (2) Such contracts shall be let to the lowest
27 responsible ~~competent~~ bidder, after publication of notice for
28 bids containing specifications furnished by the commissioners
29 in a newspaper published in the county where such contract is
30 made, at least once each week for 2 consecutive weeks prior to
31 the making of such contract.

1 Section 35. Section 337.107, Florida Statutes, is
2 amended to read:

3 337.107 Contracts for right-of-way services.--The
4 department may enter into contracts pursuant to s. 287.055 or
5 s. 337.025 for right-of-way services on transportation
6 corridors and transportation facilities or the department may
7 include right-of-way services as part of design-build
8 contracts awarded pursuant to s. 337.11. Right-of-way
9 services include negotiation and acquisition services,
10 appraisal services, demolition and removal of improvements,
11 and asbestos-abatement services.

12 Section 36. Paragraph (c) of subsection (6) and
13 paragraph (a) of subsection (7) of section 337.11, Florida
14 Statutes, are amended to read:

15 337.11 Contracting authority of department; bids;
16 emergency repairs, supplemental agreements, and change orders;
17 combined design and construction contracts; progress payments;
18 records; requirements of vehicle registration.--

19 (6)

20 (c) When the department determines that it is in the
21 best interest of the public for reasons of public concern,
22 economy, improved operations or safety, and only when
23 circumstances dictate rapid completion of the work, the
24 department may, up to the threshold amount of \$120,000
25 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts
26 for construction and maintenance without advertising and
27 receiving competitive bids. ~~However, if legislation is enacted~~
28 ~~by the Legislature which changes the category thresholds, the~~
29 ~~threshold amount shall remain at \$60,000.~~The department may
30 enter into such contracts only upon a determination that the
31 work is necessary for one of the following reasons:

1 1. To ensure timely completion of projects or
2 avoidance of undue delay for other projects;

3 2. To accomplish minor repairs or construction and
4 maintenance activities for which time is of the essence and
5 for which significant cost savings would occur; or

6 3. To accomplish nonemergency work necessary to ensure
7 avoidance of adverse conditions that affect the safe and
8 efficient flow of traffic.

9
10 The department shall make a good faith effort to obtain two or
11 more quotes, if available, from qualified contractors before
12 entering into any contract. The department shall give
13 consideration to disadvantaged business enterprise
14 participation. However, when the work exists within the limits
15 of an existing contract, the department shall make a good
16 faith effort to negotiate and enter into a contract with the
17 prime contractor on the existing contract.

18 (7)(a) If the head of the department determines that
19 it is in the best interests of the public, the department may
20 combine the design and construction phases of a building, a
21 major bridge, an enhancement project, or a rail corridor
22 project into a single contract. Such contract is referred to
23 as a design-build contract. Design-build contracts may be
24 advertised and awarded notwithstanding the requirements of
25 paragraph (c) of subsection (3). However, construction
26 activities may not begin on any portion of such projects until
27 title to the necessary rights-of-way and easements for the
28 construction of such portion of the project has vested in the
29 state or a local governmental entity and all railroad crossing
30 and utility agreements have been executed. Title to

31

1 rights-of-way vests in the state when the title has been
2 dedicated to the public or acquired by prescription.

3 Section 37. Subsection (4) of section 337.14, Florida
4 Statutes, is amended, and subsection (9) is added to said
5 section, to read:

6 337.14 Application for qualification; certificate of
7 qualification; restrictions; request for hearing.--

8 (4) If the applicant is found to possess the
9 prescribed qualifications, the department shall issue to him
10 or her a certificate of qualification that ~~which~~, unless
11 thereafter revoked by the department for good cause, will be
12 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the
13 applicant's financial statement or such shorter period as the
14 department prescribes ~~may prescribe~~. ~~If in the event~~ the
15 department finds that an application is incomplete or contains
16 inadequate information or information that ~~which~~ cannot be
17 verified, the department may request in writing that the
18 applicant provide the necessary information to complete the
19 application or provide the source from which any information
20 in the application may be verified. If the applicant fails to
21 comply with the initial written request within a reasonable
22 period of time as specified therein, the department shall
23 request the information a second time. If the applicant fails
24 to comply with the second request within a reasonable period
25 of time as specified therein, the application shall be denied.

26 (9)(a) Notwithstanding any other law to the contrary,
27 for contracts in excess of \$250,000, an authority created
28 pursuant to chapter 348 or chapter 349 may require that
29 persons interested in performing work under contract first be
30 certified or qualified to do the work. Any contractor may be
31 considered ineligible to bid by the governmental entity or

1 authority if the contractor is behind an approved progress
2 schedule for the governmental entity or authority by 10
3 percent or more at the time of advertisement of the work. Any
4 contractor prequalified and considered eligible by the
5 department to bid to perform the type of work described under
6 the contract shall be presumed to be qualified to perform the
7 work so described. The governmental entity or authority may
8 provide an appeal process to overcome that presumption with de
9 novo review based on the record below to the circuit court.

10 (b) With respect to contractors not prequalified with
11 the department, the authority shall publish prequalification
12 criteria and procedures prior to advertisement or notice of
13 solicitation. Such publications shall include notice of a
14 public hearing for comment on such criteria and procedures
15 prior to adoption. The procedures shall provide for an appeal
16 process within the authority for objections to the
17 prequalification process with de novo review based on the
18 record below to the circuit court.

19 (c) An authority may establish criteria and procedures
20 whereunder contractor selection may occur on a basis other
21 than the lowest responsible bidder. Prior to adoption, the
22 authority shall publish for comment the proposed criteria and
23 procedures. Review of the adopted criteria and procedures
24 shall be to the circuit court, within 30 days after adoption,
25 with de novo review based on the record below.

26 Section 38. Subsection (2) of section 337.401, Florida
27 Statutes, is amended to read:

28 337.401 Use of right-of-way for utilities subject to
29 regulation; permit; fees.--

30 (2) The authority may grant to any person who is a
31 resident of this state, or to any corporation which is

1 organized under the laws of this state or licensed to do
2 business within this state, the use of a right-of-way for the
3 utility in accordance with such rules or regulations as the
4 authority may adopt. No utility shall be installed, located,
5 or relocated unless authorized by a written permit issued by
6 the authority. However, for public roads or publicly owned
7 rail corridors under the jurisdiction of the department, a
8 utility relocation schedule and relocation agreement may be
9 executed in lieu of a written permit.The permit shall require
10 the permitholder to be responsible for any damage resulting
11 from the issuance of such permit. The authority may initiate
12 injunctive proceedings as provided in s. 120.69 to enforce
13 provisions of this subsection or any rule or order issued or
14 entered into pursuant thereto.

15 Section 39. Subsections (1) and (2) of section 339.08,
16 Florida Statutes, are amended to read:

17 339.08 Use of moneys in State Transportation Trust
18 Fund.--

19 (1) The department shall expend ~~by rule provide for~~
20 ~~the expenditure of the~~ moneys in the State Transportation
21 Trust Fund accruing to the department, in accordance with its
22 annual budget.

23 (2) ~~These rules must restrict~~ The use of such moneys
24 shall be restricted to the following purposes:

25 (a) To pay administrative expenses of the department,
26 including administrative expenses incurred by the several
27 state transportation districts, but excluding administrative
28 expenses of commuter rail authorities that do not operate rail
29 service.

30 (b) To pay the cost of construction of the State
31 Highway System.

- 1 (c) To pay the cost of maintaining the State Highway
2 System.
- 3 (d) To pay the cost of public transportation projects
4 in accordance with chapter 341 and ss. 332.003-332.007.
- 5 (e) To reimburse counties or municipalities for
6 expenditures made on projects in the State Highway System as
7 authorized by s. 339.12(4) upon legislative approval.
- 8 (f) To pay the cost of economic development
9 transportation projects in accordance with s. 288.063.
- 10 (g) To lend or pay a portion of the operating,
11 maintenance, and capital costs of a revenue-producing
12 transportation project that is located on the State Highway
13 System or that is demonstrated to relieve traffic congestion
14 on the State Highway System.
- 15 (h) To match any federal-aid funds allocated for any
16 other transportation purpose, including funds allocated to
17 projects not located in the State Highway System.
- 18 (i) To pay the cost of county road projects selected
19 in accordance with the Small County Road Assistance Program
20 created in s. 339.2816.
- 21 (j) To pay the cost of county or municipal road
22 projects selected in accordance with the County Incentive
23 Grant Program created in s. 339.2817 and the Small County
24 Outreach Program created in s. 339.2818.
- 25 (k) To provide loans and credit enhancements for use
26 in constructing and improving highway transportation
27 facilities selected in accordance with the state-funded
28 infrastructure bank created in s. 339.55.
- 29 (l) To fund the Transportation Outreach Program
30 created in s. 339.137.
- 31

1 (m) To pay other lawful expenditures of the
2 department.

3 Section 40. Subsection (5) of section 339.12, Florida
4 Statutes, is amended, and subsection (10) is added to said
5 section, to read:

6 339.12 Aid and contributions by governmental entities
7 for department projects; federal aid.--

8 (5) The department and the governing body of a
9 governmental entity may enter into an agreement by which the
10 governmental entity agrees to perform a highway project or
11 project phase in the department's adopted work program that is
12 not revenue producing or any public transportation project in
13 the adopted work program. By specific provision in the
14 written agreement between the department and the governing
15 body of the governmental entity, the department may agree to
16 compensate ~~reimburse~~ the governmental entity the actual cost
17 for the project or project phase contained in the adopted work
18 program. Compensation ~~Reimbursement~~ to the governmental entity
19 for such project or project phases must be made from funds
20 appropriated by the Legislature, and compensation
21 ~~reimbursement~~ for the cost of the project or project phase is
22 to begin in the year the project or project phase is scheduled
23 in the work program as of the date of the agreement.

24 (10) Effective January 1, 2004, any county with a
25 population greater than 50,000 in which at least 15.5 percent
26 of its total real property is off the ad valorem tax rolls due
27 to state property tax exemptions, and which dedicates at least
28 50 percent of its 1-cent local option sales tax proceeds over
29 the life of the tax for improvements to the State
30 Transportation System or to local projects directly upgrading
31 the State Transportation System within the county's boundary,

1 shall receive maintenance funding from the department at a
2 level at least equal to the average of the past 10 years of
3 transportation expenditures for planning, design,
4 right-of-way, and construction for that county. The
5 calculation of such maintenance funding shall not include the
6 State and Federal Bridge Replacement Program, the Interstate
7 program, seaports, state economic development, toll capital
8 assistance, small county resurfacing, railroad hazard
9 elimination, emergency funds, and toll projects. The county
10 shall have adopted a list of specific state road projects to
11 be paid for with a 1-cent local option sales tax prior to the
12 ballot referendum. The county shall enter into a joint project
13 agreement with the department obligating a 50 percent or
14 greater portion, over the life of the 1-cent local option
15 sales tax, to the department for improvements to the State
16 Transportation System. The department shall enter into a
17 joint project agreement with the county, over the life of the
18 sales tax, committing to a maintenance level of funding at
19 least equal to the average of the past 10 years of
20 transportation expenditures for planning, design,
21 right-of-way, and construction for that county. The county
22 government receiving these funds from the department shall
23 distribute the funds in accordance with ss. 212.055(2)(c)2.
24 and 218.62. It is not the intent of the Legislature to provide
25 a windfall for counties. The intent is to hold harmless any
26 eligible county willing to fund millions of dollars for state
27 transportation improvements in its jurisdiction with a funding
28 level to an average of what the department typically
29 appropriates to that county for state transportation
30 improvements, less any department projects for the county not
31

1 included in the list of state projects the county is funding
2 through the 1-cent local option sales tax.

3 Section 41. Paragraphs (a), (f), and (g) of subsection
4 (4) of section 339.135, Florida Statutes, are amended to read:

5 339.135 Work program; legislative budget request;
6 definitions; preparation, adoption, execution, and
7 amendment.--

8 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

9 (a)1. To assure that no district or county is
10 penalized for local efforts to improve the State Highway
11 System, the department shall, for the purpose of developing a
12 tentative work program, allocate funds for new construction to
13 the districts, except for the turnpike enterprise district,
14 based on equal parts of population and motor fuel tax
15 collections. Funds for resurfacing, bridge repair and
16 rehabilitation, bridge fender system construction or repair,
17 public transit projects except public transit block grants as
18 provided in s. 341.052, and other programs with quantitative
19 needs assessments shall be allocated based on the results of
20 these assessments. The department may not transfer any funds
21 allocated to a district under this paragraph to any other
22 district except as provided in subsection (7). Funds for
23 public transit blockgrants shall be allocated to the
24 districts pursuant to s. 341.052.

25 2. Notwithstanding the provisions of subparagraph 1.,
26 the department shall allocate at least 50 percent of any new
27 discretionary highway capacity funds to the Florida Intrastate
28 Highway System established pursuant to s. 338.001. Any
29 remaining new discretionary highway capacity funds shall be
30 allocated to the districts for new construction as provided in
31 subparagraph 1. For the purposes of this subparagraph, the

1 term "new discretionary highway capacity funds" means any
2 funds available to the department above the prior year funding
3 level for capacity improvements, which the department has the
4 discretion to allocate to highway projects.

5 (f) The central office shall submit a preliminary copy
6 of the tentative work program to the Executive Office of the
7 Governor, the legislative appropriations committees, the
8 Florida Transportation Commission, and the Department of
9 Community Affairs at least 14 days prior to the convening of
10 the regular legislative session. Prior to the statewide
11 public hearing required by paragraph (g), the Department of
12 Community Affairs shall transmit to the Florida Transportation
13 Commission a list of those projects and project phases
14 contained in the tentative work program which are identified
15 as being inconsistent with approved local government
16 comprehensive plans. For urbanized areas of metropolitan
17 planning organizations, the list may not contain any project
18 or project phase that is scheduled in a transportation
19 improvement program unless such inconsistency has been
20 previously reported to the affected metropolitan planning
21 organization. ~~The commission shall consider the list as part~~
22 ~~of its evaluation of the tentative work program conducted~~
23 ~~pursuant to s. 20.23.~~

24 (g) The Florida Transportation Commission shall
25 conduct a statewide public hearing on the tentative work
26 program and shall advertise the time, place, and purpose of
27 the hearing in the Florida Administrative Weekly at least 7
28 days prior to the hearing. As part of the statewide public
29 hearing, the commission shall, at a minimum:

30
31

- 1 1. Conduct an in-depth evaluation of the tentative
2 work program ~~as required in s. 20.23~~ for compliance with
3 applicable laws and departmental policies; and
4 2. Hear all questions, suggestions, or other comments
5 offered by the public.
6
7 By no later than 14 days after the regular legislative session
8 begins, the commission shall submit to the Executive Office of
9 the Governor and the legislative appropriations committees a
10 report that evaluates the tentative work program for:
11 a. Financial soundness;
12 b. Stability;
13 c. Production capacity;
14 d. Accomplishments, including compliance with program
15 objectives in s. 334.046;
16 e. Compliance with approved local government
17 comprehensive plans;
18 f. Objections and requests by metropolitan planning
19 organizations;
20 g. Policy changes and effects thereof;
21 h. Identification of statewide or regional projects;
22 and
23 i. Compliance with all other applicable laws.
24 Section 42. Section 339.137, Florida Statutes, is
25 amended to read:
26 339.137 Transportation Outreach Program (TOP)
27 supporting economic development; administration; definitions;
28 eligible projects; Transportation Outreach Program (TOP)
29 advisory council created; limitations; funding.--
30 (1) There is created within the Department of
31 Transportation, a Transportation Outreach Program (TOP)

1 dedicated to funding transportation projects of a high
2 priority based on the ~~prevailing~~ principles of ~~preserving the~~
3 ~~existing transportation infrastructure~~; enhancing Florida's
4 economic growth and competitiveness in national and
5 international markets; promoting intermodal transportation
6 linkages for passengers and freight; and improving travel
7 choices to ensure efficient and cost-competitive mobility for
8 Florida citizens, visitors, services, and goods.

9 (2) For purposes of this section, words and phrases
10 shall have the following meanings:

11 (a) ~~Preservation.--Protecting the state's~~
12 ~~transportation infrastructure investment. Preservation~~
13 ~~includes:~~

14 1. ~~Ensuring that 80 percent of the pavement on the~~
15 ~~State Highway System meets department standards;~~

16 2. ~~Ensuring that 90 percent of department-maintained~~
17 ~~bridges meet department standards; and~~

18 3. ~~Ensuring that the department achieves 100 percent~~
19 ~~of acceptable maintenance standards on the State Highway~~
20 ~~System.~~

21 (b) ~~Economic growth and competitiveness.--Ensuring~~
22 ~~that state transportation investments promote economic~~
23 ~~activities which result in development or retention of income~~
24 ~~generative industries which increase per capita earned income~~
25 ~~in the state, and that such investments improve the state's~~
26 ~~economic competitiveness.~~

27 (b)(c) ~~Mobility.--Ensuring a cost-effective,~~
28 ~~statewide, interconnected transportation system.~~

29 (c)(d) ~~The term "Regionally significant transportation~~
30 ~~project.--of critical concern" means A transportation~~
31 ~~facility improvement project located in one or more counties~~

1 ~~county~~ which provides significant enhancement of economic
2 development opportunities in that region ~~an adjoining county~~
3 ~~or counties and which provides improvements to a hurricane~~
4 ~~evacuation route.~~

5 (3) Transportation Outreach Program projects may be
6 proposed by any local government, regional organization,
7 economic development board, public or private partnership,
8 metropolitan planning organization, state agency, or other
9 entity engaged in economic development activities.

10 (4)(3) Proposed Eligible projects that meet the
11 minimum eligibility threshold include those for planning,
12 designing, acquiring rights-of-way for, or constructing the
13 following:

14 (a) Major highway improvements to:-

15 1. The Florida Intrastate Highway System.

16 2. Major roads and feeder roads which provide linkages
17 to the Florida Intrastate Highway System ~~major highways.~~

18 3. Bridges of statewide or regional significance.

19 4. Trade and economic development corridors.

20 5. Access projects for freight and passengers.

21 ~~6. Hurricane evacuation routes.~~

22 (b) Major public transportation projects:-

23 1. Seaport projects which improve cargo and passenger
24 movements or connect the seaports to other modes of
25 transportation.

26 2. Aviation projects which increase passenger
27 enplanements and cargo activity or connect the airports to
28 other modes of transportation.

29 3. Transit projects which improve mobility on
30 interstate highways, ~~or which~~ improve regional or localized
31 travel, or connect to other modes of transportation.

1 4. Rail projects that facilitate the movement of
2 passengers and cargo, including ancillary pedestrian
3 facilities, or connect rail facilities to other modes of
4 transportation.

5 5. Spaceport Florida Authority projects which improve
6 space transportation capacity and facilities consistent with
7 the provisions of s. 331.360.

8 ~~6. Bicycle and pedestrian facilities that add to or~~
9 ~~enhance a statewide system of public trails.~~

10 (c) Highway and bridge projects that facilitate
11 retention and expansion of military installations, or that
12 facilitate reuse and development of any military base
13 designated for closure by the Federal Government.

14
15 Each proposed project must be able to document that it
16 promotes economic growth and competitiveness, as defined in
17 paragraph (2)(a).

18 (5) In addition to the above minimum eligibility
19 requirements, each proposed project must comply with the
20 following eligibility criteria:

21 (a) The project or project phase selected can be made
22 production-ready within a 5-year period following the end of
23 the current fiscal year.

24 (b) The project is consistent with a current
25 transportation system plan such as the Florida Intrastate
26 Highway System, aviation, intermodal/rail, seaport, spaceport,
27 or transit system plans.

28 (c) The project is not inconsistent with an approved
29 local comprehensive plan of any local government within whose
30 boundaries the project is located in whole or in part, or, if
31

1 inconsistent, is accompanied by an explanation of why the
2 project should be undertaken.

3 (d) The project involves two or more modes of
4 transportation or can document that it will have a significant
5 economic benefit in two or more counties.

6
7 One or more of the minimum criteria listed in paragraphs
8 (a)-(d) may be waived for a regionally significant
9 transportation project.

10 ~~(4) Transportation Outreach projects may be proposed~~
11 ~~by any local government, regional organization, economic~~
12 ~~development board, public or private partnership, metropolitan~~
13 ~~planning organization, state agency, or other entity engaged~~
14 ~~in economic development activities.~~

15 (6)(5) The following criteria shall be used
16 Transportation funding under this section shall use the
17 following mechanisms to prioritize the eligible proposed
18 projects:

19 (a) The project must promote economic growth and
20 competitiveness. Economic development-related transportation
21 projects may compete for funding under the program. Projects
22 funded under this program should provide for increased
23 mobility on the state's transportation system. Projects which
24 have local or private matching funds may be given priority
25 over other projects.

26 (b) The project must promote intermodal transportation
27 linkages for passengers and freight. Establishment of a
28 funding allocation under this program reserved to quickly
29 respond to transportation needs of emergent economic
30 competitiveness development projects that may be outside of
31 the routine project selection process. This funding may be

1 ~~used to match local or private contributions for~~
2 ~~transportation projects which meet the definition of economic~~
3 ~~competitiveness contained in this section.~~

4 (c) The project must broaden transportation choices
5 for Florida residents, visitors, and commercial interests in
6 order to ensure efficient and cost-competitive mobility of
7 people, services, and goods.~~Establish innovative financing~~
8 ~~methods to enable the state to respond in a timely manner to~~
9 ~~major or emergent economic development-related transportation~~
10 ~~needs that require timely commitments. These innovative~~
11 ~~financing methods include, but are not limited to, the state~~
12 ~~infrastructure bank, state bonds for right-of-way acquisition~~
13 ~~and bridge construction, state bonds for fixed guideway~~
14 ~~transportation systems, state bonds for federal aid highway~~
15 ~~construction, funds previously programmed by the department~~
16 ~~for high-speed rail development, and any other local, state,~~
17 ~~or federal funds made available to the department.~~

18 (d) Projects that have local, federal, or private
19 matching funds shall be given priority over projects that meet
20 all other criteria.

21 (7) Eligible projects shall also utilize innovative
22 financing methods that enable the state to respond in a timely
23 manner to major or emergent transportation needs related to
24 economic development that require timely commitments. These
25 innovative financing methods include, but are not limited to,
26 private investment strategies, use of the state infrastructure
27 bank, state bonds for right-of-way acquisition and bridge
28 construction, state bonds for fixed guideway transportation
29 systems, state bonds for federal aid highway construction,
30 funds previously programmed by the department for high-speed
31

1 rail development, and any other local, state, or federal funds
2 made available to the department.

3 ~~(6) In addition to complying with the prevailing~~
4 ~~principles provided in subsection (1), to be eligible for~~
5 ~~funding under the program, projects must also meet the~~
6 ~~following minimum criteria:~~

7 ~~(a) The project or project phase selected can be made~~
8 ~~production-ready within a 5-year period following the end of~~
9 ~~the current fiscal year.~~

10 ~~(b) The project is listed in an outer year of the~~
11 ~~5-year work program and can be made production-ready and~~
12 ~~advanced to an earlier year of the 5-year work program.~~

13 ~~(c) The project is consistent with a current~~
14 ~~transportation system plan including, but not limited to, the~~
15 ~~Florida Intrastate Highway System, aviation, intermodal/rail,~~
16 ~~seaport, spaceport, or transit system plans.~~

17 ~~(d) The project is not inconsistent with an approved~~
18 ~~local comprehensive plan of any local government within whose~~
19 ~~boundaries the project is located in whole or in part or, if~~
20 ~~inconsistent, is accompanied by an explanation of why the~~
21 ~~project should be undertaken.~~

22 ~~(e) One or more of the minimum criteria listed in~~
23 ~~paragraphs (a)-(d) may be waived for a statewide or regionally~~
24 ~~significant transportation project of critical concern.~~

25 (8)(7) The Transportation Outreach Program (TOP)
26 advisory council is created to annually make recommendations
27 to the Legislature on prioritization and selection of economic
28 growth projects as provided in this section.

29 (a) The council shall consist of:

30 1. Two representatives of private interests, chosen by
31 the Speaker of the House of Representatives, who are directly

1 involved in or affected by any mode of transportation or
2 tourism ~~chosen by the Speaker of the House of Representatives.~~

3 2. Two representatives of private interests, chosen by
4 the President of the Senate, who are directly involved in or
5 affected by any mode of transportation or tourism ~~chosen by~~
6 ~~the President of the Senate.~~

7 3. Three representatives of private or governmental
8 interests, chosen by the Governor, who are directly involved
9 in or affected by any mode of transportation or tourism ~~chosen~~
10 ~~by the Governor.~~

11 (b) Terms for council members shall be 2 years, and
12 each member shall be allowed one vote. Every 2 years, the
13 council shall select from among its membership a chair and
14 vice chair.

15 (c) ~~Initial appointments must be made no later than 60~~
16 ~~days after this act takes effect.~~ Vacancies in the council
17 shall be filled in the same manner as the initial
18 appointments.

19 (d) ~~The council shall hold its initial meeting no~~
20 ~~later than 30 days after the members have been appointed in~~
21 ~~order to organize and select a chair and vice chair from the~~
22 ~~council membership.~~ Meetings shall be held at the call of the
23 chair, but not less frequently than quarterly.

24 (e) The members of the council shall serve without
25 compensation, but shall be reimbursed for per diem and travel
26 expenses as provided in s. 112.061.

27 (f) The department shall provide administrative staff
28 support, ensuring that council meetings are electronically
29 recorded. Such recordings and all documents received, prepared
30 for, or used by the council in conducting its business shall
31 be preserved pursuant to chapters 119 and 257. In addition,

1 the department shall provide for travel and per diem expenses
2 for the council in its annual budget.

3 (g) The council shall develop a methodology for
4 scoring and ranking project proposals based on the
5 prioritization criteria in subsection (6). The council may
6 change a project's ranking based on other factors as
7 determined by the council. However, such other factors must be
8 fully documented in writing by the council.

9 (h) The council is encouraged to seek input from
10 transportation or economic development entities and to
11 consider the reports and recommendations of task forces, study
12 commissions, or similar entities charged with reviewing issues
13 relevant to the council's mission.

14 (9)(8) Because transportation investment plays a key
15 role in economic development, the council and the department
16 shall actively participate in state and local economic
17 development programs, including:

18 (a) Working in partnership with other state and local
19 agencies in business recruitment, expansion, and retention
20 activities to ensure early transportation input into these
21 activities.

22 (b) Providing expertise and rapid response in
23 analyzing the transportation needs of emergent economic
24 development projects.

25 (c) Developing ~~The council and department must develop~~
26 a macroeconomic analysis of the linkages between
27 transportation investment and economic performance, as well as
28 a method to quantifiably measure the economic benefits of the
29 investments.

30
31

1 (d) Identifying long-term strategic transportation
2 projects that will promote the principles listed in subsection
3 (1).

4 ~~(10)(9)~~ The council shall review and prioritize
5 projects submitted for funding under the program ~~with priority~~
6 ~~given to projects which comply with the prevailing principles~~
7 ~~provided in subsection (1)~~, and shall recommend to the
8 Legislature a transportation outreach program. The department
9 shall provide technical expertise and support as requested by
10 the council, and shall develop financial plans, cash forecast
11 plans, and program and resource plans necessary to implement
12 this program. These supporting documents shall be submitted
13 with the Transportation Outreach Program.

14 ~~(11)(a)(10)~~ Projects recommended for funding under the
15 Transportation Outreach Program shall be submitted to the
16 Florida Transportation Commission at least 30 days before the
17 start of the regular legislative session. The Florida
18 Transportation Commission shall review the projects to
19 determine whether they are in compliance with this section and
20 prepare a report detailing its findings.

21 (b) The council shall submit its list of recommended
22 projects to the Governor and the Legislature as a separate
23 budget request submitted at the same time as section of the
24 department's preliminary tentative work program, which is 14
25 days before the start of the regular session. The Florida
26 Transportation Commission shall submit its written report at
27 the same time to the Governor and the Legislature. Final
28 approval of the Transportation Outreach Program project list
29 shall be made by the Legislature through the General
30 Appropriations Act. Program projects approved by the
31

1 Legislature must be included in the department's adopted work
2 program.

3 (12)~~(11)~~ For purposes of funding projects under the
4 Transportation Outreach Program, the department shall allocate
5 from the State Transportation Trust Fund in its program and
6 resource plan a minimum of \$60 million each year beginning in
7 fiscal year 2001-2002 ~~for a transportation outreach program~~.
8 This funding is to be reserved for projects to be funded
9 pursuant to this section ~~under the Transportation Outreach~~
10 ~~Program~~. This allocation of funds is in addition to any
11 funding provided to this program by any other provision of
12 law.

13 (13)~~(12)~~ Notwithstanding any other law to the contrary
14 the requirements of ss. 206.46(3), 206.606(2), 339.135,
15 339.155, and 339.175 shall not apply to the Transportation
16 Outreach Program.

17 (14)~~(13)~~ The department is authorized to adopt rules
18 to implement the Transportation Outreach Program supporting
19 economic development.

20 Section 43. Subsection (5) of section 341.051, Florida
21 Statutes, is amended to read:

22 341.051 Administration and financing of public transit
23 programs and projects.--

24 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

25 (a) The department may fund up to 50 percent of the
26 nonfederal share of the costs, not to exceed the local share,
27 of any eligible public transit capital project or commuter
28 assistance project that is local in scope; except, however,
29 that departmental participation in the final design,
30 right-of-way acquisition, and construction phases of an
31 individual fixed-guideway project which is not approved for

1 federal funding shall not exceed an amount equal to 12.5
2 percent of the total cost of each phase.

3 ~~(b) The Department of Transportation shall develop a~~
4 ~~major capital investment policy which shall include policy~~
5 ~~criteria and guidelines for the expenditure or commitment of~~
6 ~~state funds for public transit capital projects. The policy~~
7 ~~shall include the following:~~

8 1. ~~Methods to be used to determine consistency of a~~
9 ~~transit project with the approved local government~~
10 ~~comprehensive plans of the units of local government in which~~
11 ~~the project is located.~~

12 2. ~~Methods for evaluating the level of local~~
13 ~~commitment to a transit project, which is to be demonstrated~~
14 ~~through system planning and the development of a feasible plan~~
15 ~~to fund operating cost through fares, value capture techniques~~
16 ~~such as joint development and special districts, or other~~
17 ~~local funding mechanisms.~~

18 3. ~~Methods for evaluating alternative transit systems~~
19 ~~including an analysis of technology and alternative methods~~
20 ~~for providing transit services in the corridor.~~

21 (b)~~(c)~~ The department is authorized to fund up to 100
22 percent of the cost of any eligible transit capital project or
23 commuter assistance project that is statewide in scope or
24 involves more than one county where no other governmental
25 entity or appropriate jurisdiction exists.

26 (c)~~(d)~~ The department is authorized to advance up to
27 80 percent of the capital cost of any eligible project that
28 will assist Florida's transit systems in becoming fiscally
29 self-sufficient. Such advances shall be reimbursed to the
30 department on an appropriate schedule not to exceed 5 years
31 after the date of provision of the advances.

1 (d)~~(e)~~ The department is authorized to fund up to 100
2 percent of the capital and net operating costs of statewide
3 transit service development projects or transit corridor
4 projects. All transit service development projects shall be
5 specifically identified by way of a departmental appropriation
6 request, and transit corridor projects shall be identified as
7 part of the planned improvements on each transportation
8 corridor designated by the department. The project
9 objectives, the assigned operational and financial
10 responsibilities, the timeframe required to develop the
11 required service, and the criteria by which the success of the
12 project will be judged shall be documented by the department
13 for each such transit service development project or transit
14 corridor project.

15 (e)~~(f)~~ The department is authorized to fund up to 50
16 percent of the capital and net operating costs of transit
17 service development projects that are local in scope and that
18 will improve system efficiencies, ridership, or revenues. All
19 such projects shall be identified in the appropriation request
20 of the department through a specific program of projects, as
21 provided for in s. 341.041, that is selectively applied in the
22 following functional areas and is subject to the specified
23 times of duration:

24 1. Improving system operations, including, but not
25 limited to, realigning route structures, increasing system
26 average speed, decreasing deadhead mileage, expanding area
27 coverage, and improving schedule adherence, for a period of up
28 to 3 years;

29 2. Improving system maintenance procedures, including,
30 but not limited to, effective preventive maintenance programs,
31 improved mechanics training programs, decreasing service

1 repair calls, decreasing parts inventory requirements, and
2 decreasing equipment downtime, for a period of up to 3 years;
3 3. Improving marketing and consumer information
4 programs, including, but not limited to, automated information
5 services, organized advertising and promotion programs, and
6 signing of designated stops, for a period of up to 2 years;
7 and
8 4. Improving technology involved in overall
9 operations, including, but not limited to, transit equipment,
10 fare collection techniques, electronic data processing
11 applications, and bus locators, for a period of up to 2 years.

12
13 For purposes of this section, the term "net operating costs"
14 means all operating costs of a project less any federal funds,
15 fares, or other sources of income to the project.

16 Section 44. Subsections (7), (8), and (10) of section
17 341.302, Florida Statutes, are amended to read:

18 341.302 Rail program, duties and responsibilities of
19 the department.--The department, in conjunction with other
20 governmental units and the private sector, shall develop and
21 implement a rail program of statewide application designed to
22 ensure the proper maintenance, safety, revitalization, and
23 expansion of the rail system to assure its continued and
24 increased availability to respond to statewide mobility needs.
25 Within the resources provided pursuant to chapter 216, and as
26 authorized under Title 49 C.F.R. part 212, the department
27 shall:

28 (7) Develop and administer state standards concerning
29 the safety and performance of rail systems, ~~hazardous material~~
30 ~~handling~~, and operations. Such standards shall be developed
31 jointly with representatives of affected rail systems, with

1 full consideration given to nationwide industry norms, and
2 shall define the minimum acceptable standards for safety and
3 performance.

4 (8) Conduct, at a minimum, inspections of track and
5 rolling stock, train signals and related equipment,
6 ~~hazardous materials transportation, including the loading,~~
7 ~~unloading, and labeling of hazardous materials at shippers',~~
8 ~~receivers', and transfer points,~~ and train operating practices
9 to determine adherence to state and federal standards.
10 Department personnel may enforce any safety regulation issued
11 under the Federal Government's preemptive authority over
12 interstate commerce.

13 (10) Administer rail operating and construction
14 programs, which programs shall include ~~the regulation of~~
15 ~~maximum train operating speeds,~~ the opening and closing of
16 public grade crossings, the construction and rehabilitation of
17 public grade crossings, and the installation of traffic
18 control devices at public grade crossings, ~~the administering~~
19 ~~of the programs by the department~~ including participation in
20 the cost of the programs.

21 Section 45. Paragraph (d) of subsection (2) of section
22 348.0003, Florida Statutes, is amended to read:

23 348.0003 Expressway authority; formation;
24 membership.--

25 (2) The governing body of an authority shall consist
26 of not fewer than five nor more than nine voting members. The
27 district secretary of the affected department district shall
28 serve as a nonvoting member of the governing body of each
29 authority located within the district. Each member of the
30 governing body must at all times during his or her term of
31

1 office be a permanent resident of the county which he or she
2 is appointed to represent.

3 (d) Notwithstanding any provision to the contrary in
4 this subsection, in any county as defined in s. 125.011(1),
5 the governing body of an authority shall consist of up to 13
6 members, and the following provisions of this paragraph shall
7 apply specifically to such authority. Except for the district
8 secretary of the department, the members must be residents of
9 the county. Seven voting members shall be appointed by the
10 governing body of the county. At the discretion of the
11 governing body of the county, up to two of the members
12 appointed by the governing body of the county may be elected
13 officials residing in the county. Five voting members of the
14 authority shall be appointed by the Governor. One member shall
15 be the district secretary of the department serving in the
16 district that contains such county. This member shall be an
17 ex officio voting member of the authority. If the governing
18 board of an authority includes any member originally appointed
19 by the governing body of the county as a nonvoting member,
20 when the term of such member expires, that member shall be
21 replaced by a member appointed by the Governor until the
22 governing body of the authority is composed of seven members
23 appointed by the governing body of the county and five members
24 appointed by the Governor. The qualifications, the terms of
25 office, and the obligations and rights of members of the
26 authority shall be determined by resolution or ordinance of
27 the governing body of the county in a manner that is
28 consistent with subsections (3) and (4).

29 Section 46. Section 348.0012, Florida Statutes, is
30 amended to read:

31

1 348.0012 Exemptions from applicability.--The Florida
2 Expressway Authority Act does not apply:

3 (1) To ~~In a county in which~~ an expressway authority
4 which has been created pursuant to parts II-IX of this
5 chapter; or

6 (2) To a transportation authority created pursuant to
7 chapter 349.

8 Section 47. Paragraph (b) of subsection (1) of section
9 348.754, Florida Statutes, is amended to read:

10 348.754 Purposes and powers.--

11 (1)

12 (b) It is the express intention of this part that said
13 authority, in the construction of said Orlando-Orange County
14 Expressway System, shall be authorized to acquire, finance,
15 construct, and equip any extensions, additions,or
16 improvements to said system, or appurtenant facilities,
17 including all necessary approaches, roads, bridges,and
18 avenues of access as the authority shall deem desirable and
19 proper, together with such changes, modifications,or
20 revisions to of said system or appurtenant facilities project
21 as the authority shall deem ~~be deemed~~ desirable and proper.

22 Section 48. Section 348.7543, Florida Statutes, is
23 amended to read:

24 348.7543 Improvements, bond financing authority
25 for.--Pursuant to s. 11(e), Art. VII of the State
26 Constitution, the Legislature hereby approves for bond
27 financing by the Orlando-Orange County Expressway Authority
28 the cost of acquiring, constructing, equipping, improving, or
29 refurbishing any expressway system, including ~~improvements to~~
30 toll collection facilities, interchanges, future extensions
31 and additions, necessary approaches, roads, bridges, and

1 ~~avenues of access to the legislatively approved expressway~~
2 ~~system~~, and any other facility appurtenant, necessary, or
3 incidental to the ~~approved~~ system, all as deemed desirable and
4 proper by the authority pursuant to s. 348.754(1)(b). Subject
5 to terms and conditions of applicable revenue bond resolutions
6 and covenants, such ~~costs financing~~ may be financed in whole
7 or in part by revenue bonds issued pursuant to s.
8 348.755(1)(a) or (b) whether currently issued, issued in the
9 future, or by a combination of such bonds.

10 Section 49. Section 348.7544, Florida Statutes, is
11 amended to read:

12 348.7544 Northwest Beltway Part A, construction
13 authorized; financing.--Notwithstanding s. 338.2275, the
14 Orlando-Orange County Expressway Authority is hereby
15 authorized to construct, finance, operate, own, and maintain
16 that portion of the Western Beltway known as the Northwest
17 Beltway Part A, extending from Florida's Turnpike near Ocoee
18 north to U.S. 441 near Apopka, as part of the authority's
19 20-year capital projects plan. This project may be financed
20 with any funds available to the authority for such purpose or
21 revenue bonds issued by the Division of Bond Finance of the
22 State Board of Administration on behalf of the authority
23 pursuant to s. 11, Art. VII of the State Constitution and the
24 State Bond Act, ss. 215.57-215.83. This project may be
25 refinanced with bonds issued by the authority pursuant to s.
26 348.755(1)(d).

27 Section 50. Section 348.7545, Florida Statutes, is
28 amended to read:

29 348.7545 Western Beltway Part C, construction
30 authorized; financing.--Notwithstanding s. 338.2275, the
31 Orlando-Orange County Expressway Authority is authorized to

1 exercise its condemnation powers, construct, finance, operate,
2 own, and maintain that portion of the Western Beltway known as
3 the Western Beltway Part C, extending from Florida's Turnpike
4 near Ocoee in Orange County southerly through Orange and
5 Osceola Counties to an interchange with I-4 near the
6 Osceola-Polk County line, as part of the authority's 20-year
7 capital projects plan. This project may be financed with any
8 funds available to the authority for such purpose or revenue
9 bonds issued by the Division of Bond Finance of the State
10 Board of Administration on behalf of the authority pursuant to
11 s. 11, Art. VII of the State Constitution and the State Bond
12 Act, ss. 215.57-215.83. This project may be refinanced with
13 bonds issued by the authority pursuant to s. 348.755(1)(d).

14 Section 51. Subsection (1) of section 348.755, Florida
15 Statutes, is amended to read:

16 348.755 Bonds of the authority.--

17 (1)(a) Bonds may be issued on behalf of the authority
18 pursuant to the State Bond Act.

19 (b) Alternatively, the authority may issue its own
20 bonds pursuant to the provisions of this part at such times
21 and in such principal amount as, in the opinion of the
22 authority, is necessary to provide sufficient moneys for
23 achieving its purposes; however, such bonds shall not pledge
24 the full faith and credit of the state. Bonds issued by the
25 authority pursuant to paragraphs (a) or (b)~~The bonds of the~~
26 ~~authority issued pursuant to the provisions of this part,~~
27 whether on original issuance or on refunding, shall be
28 authorized by resolution of the members thereof and may be
29 either term or serial bonds, shall bear such date or dates,
30 mature at such time or times, not exceeding 40 years from
31 their respective dates, bear interest at such rate or rates,

1 payable semiannually, be in such denominations, be in such
2 form, either coupon or fully registered, shall carry such
3 registration, exchangeability and interchangeability
4 privileges, be payable in such medium of payment and at such
5 place or places, be subject to such terms of redemption and be
6 entitled to such priorities on the revenues, rates, fees,
7 rentals or other charges or receipts of the authority
8 including the Orange County gasoline tax funds received by the
9 authority pursuant to the terms of any lease-purchase
10 agreement between the authority and the department, as such
11 resolution or any resolution subsequent thereto may provide.
12 The bonds shall be executed either by manual or facsimile
13 signature by such officers as the authority shall determine,
14 provided that such bonds shall bear at least one signature
15 which is manually executed thereon, and the coupons attached
16 to such bonds shall bear the facsimile signature or signatures
17 of such officer or officers as shall be designated by the
18 authority and shall have the seal of the authority affixed,
19 imprinted, reproduced or lithographed thereon, all as may be
20 prescribed in such resolution or resolutions.

21 (c)(b) Said Bonds issued pursuant to paragraphs (a)
22 and (b) shall be sold at public sale in the same manner
23 provided by the State Bond Act. However, if the authority
24 shall, by official action at a public meeting, determine that
25 a negotiated sale of such the bonds is in the best interest of
26 the authority, the authority may negotiate for sale of the
27 bonds with the underwriter or underwriters designated by the
28 authority and the Division of Bond Finance of the State Board
29 of Administration with respect to bonds issued pursuant to
30 paragraph (b). The authority's determination to negotiate the
31 sale of such bonds may be based in part upon the written

1 advice of its financial advisor. Pending the preparation of
2 definitive bonds, interim certificates may be issued to the
3 purchaser or purchasers of such bonds and may contain such
4 terms and conditions as the authority may determine.

5 (d) The authority may issue bonds pursuant to
6 paragraph (b) to refund any bonds previously issued regardless
7 of whether the bonds being refunded were issued by the
8 authority pursuant to this chapter or on behalf of the
9 authority pursuant to the State Bond Act.

10 Section 52. Section 348.765, Florida Statutes, is
11 amended to read:

12 348.765 This part complete and additional authority.--

13 (1) The powers conferred by this part shall be in
14 addition and supplemental to the existing powers of said board
15 and the department, and this part shall not be construed as
16 repealing any of the provisions, of any other law, general,
17 special or local, but to supersede such other laws in the
18 exercise of the powers provided in this part, and to provide a
19 complete method for the exercise of the powers granted in this
20 part. The extension and improvement of said Orlando-Orange
21 County Expressway System, and the issuance of bonds hereunder
22 to finance all or part of the cost thereof, may be
23 accomplished upon compliance with the provisions of this part
24 without regard to or necessity for compliance with the
25 provisions, limitations, or restrictions contained in any
26 other general, special or local law, including, but not
27 limited to, s. 215.821,and no approval of any bonds issued
28 under this part by the qualified electors or qualified
29 electors who are freeholders in the state or in said County of
30 Orange, or in said City of Orlando, or in any other political
31

1 subdivision of the state, shall be required for the issuance
2 of such bonds pursuant to this part.

3 (2) This part shall not be deemed to repeal, rescind,
4 or modify any other law or laws relating to said State Board
5 of Administration, said Department of Transportation, or the
6 Division of Bond Finance of the State Board of Administration,
7 but shall be deemed to and shall supersede such other law or
8 laws as are inconsistent with the provisions of this part,
9 including, but not limited to, s. 215.821.

10 Section 53. Subsections (1) through (6) and subsection
11 (8) of section 373.4137, Florida Statutes, are amended, and
12 subsection (9) is added to said section, to read:

13 373.4137 Mitigation requirements.--

14 (1) The Legislature finds that environmental
15 mitigation for the impact of transportation projects proposed
16 by the Department of Transportation or a transportation
17 authority established pursuant to chapter 348 or chapter 349
18 can be more effectively achieved by regional, long-range
19 mitigation planning rather than on a project-by-project basis.
20 It is the intent of the Legislature that mitigation to offset
21 the adverse effects of these transportation projects be funded
22 by the Department of Transportation and be carried out by the
23 Department of Environmental Protection and the water
24 management districts, including the use of mitigation banks
25 established pursuant to this part.

26 (2) Environmental impact inventories for
27 transportation projects proposed by the Department of
28 Transportation or a transportation authority established
29 pursuant to chapter 348 or chapter 349 shall be developed as
30 follows:
31

1 (a) By May 1 of each year, the Department of
2 Transportation or a transportation authority established
3 pursuant to chapter 348 or chapter 349 shall submit to the
4 Department of Environmental Protection and the water
5 management districts a copy of its adopted work program and an
6 inventory of habitats addressed in the rules tentatively,
7 pursuant to this part and s. 404 of the Clean Water Act, 33
8 U.S.C. s. 1344, which may be impacted by its plan of
9 construction for transportation projects in the next 3 years
10 of the tentative work program. The Department of
11 Transportation or a transportation authority established
12 pursuant to chapter 348 or chapter 349 may also include in its
13 inventory the habitat impacts of any future transportation
14 project identified in the tentative work program.

15 (b) The environmental impact inventory shall include a
16 description of these habitat impacts, including their
17 location, acreage, and type; state water quality
18 classification of impacted wetlands and other surface waters;
19 any other state or regional designations for these habitats;
20 and a survey of threatened species, endangered species, and
21 species of special concern affected by the proposed project.

22 (3)(a) To fund the mitigation plan for the projected
23 impacts identified in the inventory described in subsection
24 (2), the Department of Transportation shall identify funds
25 quarterly in an escrow account within the State Transportation
26 Trust Fund for the environmental mitigation phase of projects
27 budgeted by the Department of Transportation for the current
28 fiscal year. The escrow account will be maintained by the
29 Department of Transportation for the benefit of the Department
30 of Environmental Protection and the water management
31

1 districts. Any interest earnings from the escrow account
2 shall remain with the Department of Transportation.

3 (b) Each transportation authority established pursuant
4 to chapter 348 or chapter 349 that chooses to participate in
5 this program shall create an escrow account within its
6 financial structure and deposit funds in the account to pay
7 for the environmental mitigation phase of projects budgeted
8 for the current fiscal year. The escrow account will be
9 maintained by the authority for the benefit of the Department
10 of Environmental Protection and the water management
11 districts. Any interest earnings from the escrow account shall
12 remain with the authority.

13 (c) The Department of Environmental Protection or
14 water management districts may request a transfer of funds
15 from ~~an the~~ escrow account no sooner than 30 days prior to the
16 date the funds are needed to pay for activities associated
17 with development or implementation of the approved mitigation
18 plan described in subsection (4) for the current fiscal year,
19 including, but not limited to, design, engineering,
20 production, and staff support. Actual conceptual plan
21 preparation costs incurred before plan approval may be
22 submitted to the Department of Transportation or the
23 appropriate transportation authority and the Department of
24 Environmental Protection by November 1 of each year with the
25 plan. The conceptual plan preparation costs of each water
26 management district will be paid based on the amount approved
27 on the mitigation plan and allocated to the current fiscal
28 year projects identified by the water management district.
29 The amount transferred to the escrow accounts ~~account~~ each
30 year by the Department of Transportation and participating
31 transportation authorities established pursuant to chapter 348

1 or chapter 349 shall correspond to a cost per acre of \$75,000
2 multiplied by the projected acres of impact identified in the
3 inventory described in subsection (2). However, the \$75,000
4 cost per acre does not constitute an admission against
5 interest by the state or its subdivisions nor is the cost
6 admissible as evidence of full compensation for any property
7 acquired by eminent domain or through inverse condemnation.
8 Each July 1, the cost per acre shall be adjusted by the
9 percentage change in the average of the Consumer Price Index
10 issued by the United States Department of Labor for the most
11 recent 12-month period ending September 30, compared to the
12 base year average, which is the average for the 12-month
13 period ending September 30, 1996. At the end of each year,
14 the projected acreage of impact shall be reconciled with the
15 acreage of impact of projects as permitted, including permit
16 modifications, pursuant to this part and s. 404 of the Clean
17 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of
18 funds shall be adjusted accordingly to reflect the
19 overtransfer or undertransfer of funds from the preceding
20 year. The Department of Transportation and participating
21 transportation authorities established pursuant to chapter 348
22 or chapter 349 are ~~is~~ authorized to transfer such funds from
23 the escrow accounts ~~account~~ to the Department of Environmental
24 Protection and the water management districts to carry out the
25 mitigation programs.

26 (4) Prior to December 1 of each year, each water
27 management district, in consultation with the Department of
28 Environmental Protection, the United States Army Corps of
29 Engineers, the Department of Transportation, transportation
30 authorities established pursuant to chapter 348 or chapter
31 349, and other appropriate federal, state, and local

1 governments, and other interested parties, including entities
2 operating mitigation banks, shall develop a plan for the
3 primary purpose of complying with the mitigation requirements
4 adopted pursuant to this part and 33 U.S.C. s. 1344. This
5 plan shall also address significant invasive plant problems
6 within wetlands and other surface waters. In developing such
7 plans, the districts shall utilize sound ecosystem management
8 practices to address significant water resource needs and
9 shall focus on activities of the Department of Environmental
10 Protection and the water management districts, such as surface
11 water improvement and management (SWIM) waterbodies and lands
12 identified for potential acquisition for preservation,
13 restoration, and enhancement, to the extent that such
14 activities comply with the mitigation requirements adopted
15 under this part and 33 U.S.C. s. 1344. In determining the
16 activities to be included in such plans, the districts shall
17 also consider the purchase of credits from public or private
18 mitigation banks permitted under s. 373.4136 and associated
19 federal authorization and shall include such purchase as a
20 part of the mitigation plan when such purchase would offset
21 the impact of the transportation project, provide equal
22 benefits to the water resources than other mitigation options
23 being considered, and provide the most cost-effective
24 mitigation option. The mitigation plan shall be preliminarily
25 approved by the water management district governing board and
26 shall be submitted to the secretary of the Department of
27 Environmental Protection for review and final approval. The
28 preliminary approval by the water management district
29 governing board does not constitute a decision that affects
30 substantial interests as provided by s. 120.569. At least 30
31 days prior to preliminary approval, the water management

1 district shall provide a copy of the draft mitigation plan to
2 any person who has requested a copy.

3 (a) For each transportation project with a funding
4 request for the next fiscal year, the mitigation plan must
5 include a brief explanation of why a mitigation bank was or
6 was not chosen as a mitigation option, including an estimation
7 of identifiable costs of the mitigation bank and nonbank
8 options to the extent practicable.

9 (b) Specific projects may be excluded from the
10 mitigation plan and shall not be subject to this section upon
11 the agreement of the Department of Transportation, a
12 transportation authority if applicable, the Department of
13 Environmental Protection, and the appropriate water management
14 district that the inclusion of such projects would hamper the
15 efficiency or timeliness of the mitigation planning and
16 permitting process, or the Department of Environmental
17 Protection and the water management district are unable to
18 identify mitigation that would offset the impacts of the
19 project.

20 (c) Surface water improvement and management or
21 invasive plant control projects undertaken using the \$12
22 million advance transferred from the Department of
23 Transportation to the Department of Environmental Protection
24 in fiscal year 1996-1997 which meet the requirements for
25 mitigation under this part and 33 U.S.C. s. 1344 shall remain
26 available for mitigation until the \$12 million is fully
27 credited up to and including fiscal year 2004-2005. When these
28 projects are used as mitigation, the \$12 million advance shall
29 be reduced by \$75,000 per acre of impact mitigated. For any
30 fiscal year through and including fiscal year 2004-2005, to
31 the extent the cost of developing and implementing the

1 mitigation plans is less than the amount transferred pursuant
2 to subsection (3), the difference shall be credited towards
3 the \$12 million advance. Except as provided in this paragraph,
4 any funds not directed to implement the mitigation plan
5 should, to the greatest extent possible, be directed to fund
6 invasive plant control within wetlands and other surface
7 waters.

8 (5) The water management district shall be responsible
9 for ensuring that mitigation requirements pursuant to 33
10 U.S.C. s. 1344 are met for the impacts identified in the
11 inventory described in subsection (2), by implementation of
12 the approved plan described in subsection (4) to the extent
13 funding is provided by the Department of Transportation, or a
14 transportation authority established pursuant to chapter 348
15 or chapter 349 if applicable. During the federal permitting
16 process, the water management district may deviate from the
17 approved mitigation plan in order to comply with federal
18 permitting requirements.

19 (6) The mitigation plans ~~plan~~ shall be updated
20 annually to reflect the most current Department of
21 Transportation work program and project list of a
22 transportation authority established pursuant to chapter 348
23 or chapter 349 if applicable and may be amended throughout the
24 year to anticipate schedule changes or additional projects
25 which may arise. Each update and amendment of the mitigation
26 plan shall be submitted to the secretary of the Department of
27 Environmental Protection for approval. However, such approval
28 shall not be applicable to a deviation as described in
29 subsection (5).

30 (8) This section shall not be construed to eliminate
31 the need for the Department of Transportation or a

1 transportation authority established pursuant to chapter 348
2 or chapter 349 to comply with the requirement to implement
3 practicable design modifications, including realignment of
4 transportation projects, to reduce or eliminate the impacts of
5 its transportation projects on wetlands and other surface
6 waters as required by rules adopted pursuant to this part, or
7 to diminish the authority under this part to regulate other
8 impacts, including water quantity or water quality impacts, or
9 impacts regulated under this part that are not identified in
10 the inventory described in subsection (2).

11 (9) The process for environmental mitigation for the
12 impact of transportation projects under this section shall be
13 available to an expressway, bridge, or transportation
14 authority established under chapters 348 and 349. Use of this
15 process may be initiated by an authority depositing the
16 requisite funds into an escrow account set up by the authority
17 and filing an environmental impact inventory with the
18 appropriate water management district. An authority that
19 initiates the environmental mitigation process established by
20 this section shall comply with subsection (6) by timely
21 providing the appropriate water management district and the
22 Department of Environmental Protection with the requisite work
23 program information. A water management district may draw down
24 funds from the escrow account in the manner and on the basis
25 provided in subsection (5).

26 Section 54. Paragraph (d) of subsection (2), paragraph
27 (c) of subsection (3), paragraph (b) of subsection (4), and
28 paragraphs (b) and (e) of subsection (19) of section 380.06,
29 Florida Statutes, are amended, and paragraphs (i) and (j) are
30 added to subsection (24) of said section, to read:

31 380.06 Developments of regional impact.--

1 (2) STATEWIDE GUIDELINES AND STANDARDS.--
2 (d) The guidelines and standards shall be applied as
3 follows:
4 ~~1. Fixed thresholds.--~~
5 1.a. A development that is ~~at or~~ below 100 ~~80~~ percent
6 of all numerical thresholds in the guidelines and standards
7 shall not be required to undergo
8 development-of-regional-impact review.
9 ~~2.b.~~ A development that is at or above 100 ~~120~~ percent
10 of any numerical threshold shall be required to undergo
11 development-of-regional-impact review.
12 ~~3.c.~~ Projects certified under s. 403.973 which create
13 at least 100 jobs and meet the criteria of the Office of
14 Tourism, Trade, and Economic Development as to their impact on
15 an area's economy, employment, and prevailing wage and skill
16 levels that are at or below 100 percent of the numerical
17 thresholds for industrial plants, industrial parks,
18 distribution, warehousing or wholesaling facilities, office
19 development or multiuse projects other than residential, as
20 described in s. 380.0651(3)(~~b~~)(~~c~~), (~~c~~)(~~d~~), and(~~h~~)(~~i~~), are not
21 required to undergo development-of-regional-impact review.
22 ~~2. Rebuttable presumptions.--~~
23 ~~a. It shall be presumed that a development that is~~
24 ~~between 80 and 100 percent of a numerical threshold shall not~~
25 ~~be required to undergo development-of-regional-impact review.~~
26 ~~b. It shall be presumed that a development that is at~~
27 ~~100 percent or between 100 and 120 percent of a numerical~~
28 ~~threshold shall be required to undergo~~
29 ~~development-of-regional-impact review.~~
30 (3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES
31 AND STANDARDS.--The state land planning agency, a regional

1 planning agency, or a local government may petition the
2 Administration Commission to increase or decrease the
3 numerical thresholds of any statewide guideline and standard.
4 The state land planning agency or the regional planning agency
5 may petition for an increase or decrease for a particular
6 local government's jurisdiction or a part of a particular
7 jurisdiction. A local government may petition for an increase
8 or decrease within its jurisdiction or a part of its
9 jurisdiction. A number of requests may be combined in a
10 single petition.

11 (c) The Administration Commission shall have authority
12 to increase or decrease a threshold in the statewide
13 guidelines and standards ~~up to 50 percent above or below the~~
14 ~~statewide presumptive threshold~~. The commission may from time
15 to time reconsider changed thresholds and make additional
16 variations as it deems necessary.

17 (4) BINDING LETTER.--

18 (b) Unless a developer waives the requirements of this
19 paragraph by agreeing to undergo
20 development-of-regional-impact review pursuant to this
21 section, the state land planning agency or local government
22 with jurisdiction over the land on which a development is
23 proposed may require a developer to obtain a binding letter
24 if+

25 ~~1. the development is at a presumptive numerical~~
26 ~~threshold or~~ up to 20 percent above a numerical threshold in
27 the guidelines and standards ; or

28 ~~2. The development is between a presumptive numerical~~
29 ~~threshold and 20 percent below the numerical threshold and the~~
30 ~~local government or the state land planning agency is in doubt~~
31 ~~as to whether the character or magnitude of the development at~~

1 ~~the proposed location creates a likelihood that the~~
2 ~~development will have a substantial effect on the health,~~
3 ~~safety, or welfare of citizens of more than one county.~~

4 (19) SUBSTANTIAL DEVIATIONS.--

5 (b) Any proposed change to a previously approved
6 development of regional impact or development order condition
7 which, either individually or cumulatively with other changes,
8 exceeds any of the following criteria shall constitute a
9 substantial deviation and shall cause the development to be
10 subject to further development-of-regional-impact review
11 without the necessity for a finding of same by the local
12 government:

13 1. An increase in the number of parking spaces at an
14 attraction or recreational facility by 5 percent or 300
15 spaces, whichever is greater, or an increase in the number of
16 spectators that may be accommodated at such a facility by 5
17 percent or 1,000 spectators, whichever is greater.

18 ~~2. A new runway, a new terminal facility, a 25-percent~~
19 ~~lengthening of an existing runway, or a 25-percent increase in~~
20 ~~the number of gates of an existing terminal, but only if the~~
21 ~~increase adds at least three additional gates. However, if an~~
22 ~~airport is located in two counties, a 10-percent lengthening~~
23 ~~of an existing runway or a 20-percent increase in the number~~
24 ~~of gates of an existing terminal is the applicable criteria.~~

25 ~~2.3.~~ An increase in the number of hospital beds by 5
26 percent or 60 beds, whichever is greater.

27 ~~3.4.~~ An increase in industrial development area by 5
28 percent or 32 acres, whichever is greater.

29 ~~4.5.~~ An increase in the average annual acreage mined
30 by 5 percent or 10 acres, whichever is greater, or an increase
31 in the average daily water consumption by a mining operation

1 by 5 percent or 300,000 gallons, whichever is greater. An
2 increase in the size of the mine by 5 percent or 750 acres,
3 whichever is less.

4 5.6. An increase in land area for office development
5 by 5 percent or 6 acres, whichever is greater, or an increase
6 of gross floor area of office development by 5 percent or
7 60,000 gross square feet, whichever is greater.

8 ~~7.~~ An increase in the storage capacity for chemical or
9 petroleum storage facilities by 5 percent, 20,000 barrels, or
10 7 million pounds, whichever is greater.

11 6.8. An increase of development at a waterport of wet
12 storage for 20 watercraft, dry storage for 30 watercraft, or
13 wet/dry storage for 60 watercraft in an area identified in the
14 state marina siting plan as an appropriate site for additional
15 waterport development or a 5-percent increase in watercraft
16 storage capacity, whichever is greater.

17 7.9. An increase in the number of dwelling units by 5
18 percent or 50 dwelling units, whichever is greater.

19 8.10. An increase in commercial development by 6 acres
20 of land area or by 50,000 square feet of gross floor area, or
21 of parking spaces provided for customers for 300 cars or a
22 5-percent increase of any of these, whichever is greater.

23 9.11. An increase in hotel or motel facility units by
24 5 percent or 75 units, whichever is greater.

25 10.12. An increase in a recreational vehicle park area
26 by 5 percent or 100 vehicle spaces, whichever is less.

27 11.13. A decrease in the area set aside for open space
28 of 5 percent or 20 acres, whichever is less.

29 12.14. A proposed increase to an approved multiuse
30 development of regional impact where the sum of the increases
31 of each land use as a percentage of the applicable substantial

1 deviation criteria is equal to or exceeds 100 percent. The
2 percentage of any decrease in the amount of open space shall
3 be treated as an increase for purposes of determining when 100
4 percent has been reached or exceeded.

5 ~~13.15.~~ A 15-percent increase in the number of external
6 vehicle trips generated by the development above that which
7 was projected during the original
8 development-of-regional-impact review.

9 ~~14.16.~~ Any change which would result in development of
10 any area which was specifically set aside in the application
11 for development approval or in the development order for
12 preservation or special protection of endangered or threatened
13 plants or animals designated as endangered, threatened, or
14 species of special concern and their habitat, primary dunes,
15 or archaeological and historical sites designated as
16 significant by the Division of Historical Resources of the
17 Department of State. The further refinement of such areas by
18 survey shall be considered under sub-subparagraph (e)5.b.

19
20 The substantial deviation numerical standards in subparagraphs
21 ~~3.4.~~, ~~5.6.~~, ~~8.10.~~, ~~12.14.~~, excluding residential uses, and
22 ~~13.15.~~, are increased by 100 percent for a project certified
23 under s. 403.973 which creates jobs and meets criteria
24 established by the Office of Tourism, Trade, and Economic
25 Development as to its impact on an area's economy, employment,
26 and prevailing wage and skill levels. The substantial
27 deviation numerical standards in subparagraphs ~~3.4.~~, ~~5.6.~~,
28 ~~7.9.~~, ~~8.10.~~, ~~9.11.~~, and ~~12.14.~~ are increased by 50 percent for
29 a project located wholly within an urban infill and
30 redevelopment area designated on the applicable adopted local
31

1 comprehensive plan future land use map and not located within
2 the coastal high hazard area.

3 (e)1. A proposed change which, either individually or,
4 if there were previous changes, cumulatively with those
5 changes, is equal to or exceeds 40 percent of any numerical
6 criterion in subparagraphs (b)1.-13.1.-15., but which does not
7 exceed such criterion, shall be presumed not to create a
8 substantial deviation subject to further
9 development-of-regional-impact review. The presumption may be
10 rebutted by clear and convincing evidence at the public
11 hearing held by the local government pursuant to subparagraph
12 (f)5.

13 2. Except for a development order rendered pursuant to
14 subsection (22) or subsection (25), a proposed change to a
15 development order that individually or cumulatively with any
16 previous change is less than 40 percent of any numerical
17 criterion contained in subparagraphs (b)1.-13.1.-15.and does
18 not exceed any other criterion, or that involves an extension
19 of the buildout date of a development, or any phase thereof,
20 of less than 5 years is not subject to the public hearing
21 requirements of subparagraph (f)3., and is not subject to a
22 determination pursuant to subparagraph (f)5. Notice of the
23 proposed change shall be made to the regional planning council
24 and the state land planning agency. Such notice shall include
25 a description of previous individual changes made to the
26 development, including changes previously approved by the
27 local government, and shall include appropriate amendments to
28 the development order. The following changes, individually or
29 cumulatively with any previous changes, are not substantial
30 deviations:

31

- 1 a. Changes in the name of the project, developer,
2 owner, or monitoring official.
- 3 b. Changes to a setback that do not affect noise
4 buffers, environmental protection or mitigation areas, or
5 archaeological or historical resources.
- 6 c. Changes to minimum lot sizes.
- 7 d. Changes in the configuration of internal roads that
8 do not affect external access points.
- 9 e. Changes to the building design or orientation that
10 stay approximately within the approved area designated for
11 such building and parking lot, and which do not affect
12 historical buildings designated as significant by the Division
13 of Historical Resources of the Department of State.
- 14 f. Changes to increase the acreage in the development,
15 provided that no development is proposed on the acreage to be
16 added.
- 17 g. Changes to eliminate an approved land use, provided
18 that there are no additional regional impacts.
- 19 h. Changes required to conform to permits approved by
20 any federal, state, or regional permitting agency, provided
21 that these changes do not create additional regional impacts.
- 22 i. Any other change which the state land planning
23 agency agrees in writing is similar in nature, impact, or
24 character to the changes enumerated in sub-subparagraphs a.-h.
25 and which does not create the likelihood of any additional
26 regional impact.
- 27
- 28 This subsection does not require a development order amendment
29 for any change listed in sub-subparagraphs a.-i. unless such
30 issue is addressed either in the existing development order or
31 in the application for development approval, but, in the case

1 of the application, only if, and in the manner in which, the
2 application is incorporated in the development order.

3 3. Except for the change authorized by
4 sub-subparagraph 2.f., any addition of land not previously
5 reviewed or any change not specified in paragraph (b) or
6 paragraph (c) shall be presumed to create a substantial
7 deviation. This presumption may be rebutted by clear and
8 convincing evidence.

9 4. Any submittal of a proposed change to a previously
10 approved development shall include a description of individual
11 changes previously made to the development, including changes
12 previously approved by the local government. The local
13 government shall consider the previous and current proposed
14 changes in deciding whether such changes cumulatively
15 constitute a substantial deviation requiring further
16 development-of-regional-impact review.

17 5. The following changes to an approved development of
18 regional impact shall be presumed to create a substantial
19 deviation. Such presumption may be rebutted by clear and
20 convincing evidence.

21 a. A change proposed for 15 percent or more of the
22 acreage to a land use not previously approved in the
23 development order. Changes of less than 15 percent shall be
24 presumed not to create a substantial deviation.

25 b. Except for the types of uses listed in subparagraph
26 (b)14.16~~16~~, any change which would result in the development of
27 any area which was specifically set aside in the application
28 for development approval or in the development order for
29 preservation, buffers, or special protection, including
30 habitat for plant and animal species, archaeological and
31 historical sites, dunes, and other special areas.

1 c. Notwithstanding any provision of paragraph (b) to
2 the contrary, a proposed change consisting of simultaneous
3 increases and decreases of at least two of the uses within an
4 authorized multiuse development of regional impact which was
5 originally approved with three or more uses specified in s.
6 380.0651(3)~~(b)(c), (c)(d), (e)(f), and (f)(g)~~and residential
7 use.

8 (24) STATUTORY EXEMPTIONS.--

9 (i) Any proposed facility for the storage of any
10 petroleum product is exempt from the provisions of this
11 section, if such facility is consistent with a local
12 comprehensive plan that is in compliance with s. 163.3177 or
13 is consistent with a comprehensive port master plan that is in
14 compliance with s. 163.3178.

15 (j) Any development or expansion of an airport or
16 airport-related or aviation-related development is exempt from
17 the provisions of this section.

18 Section 55. Subsection (3) of section 380.0651,
19 Florida Statutes, is amended to read:

20 380.0651 Statewide guidelines and standards.--

21 (3) The following statewide guidelines and standards
22 shall be applied in the manner described in s. 380.06(2) to
23 determine whether the following developments shall be required
24 to undergo development-of-regional-impact review:

25 ~~(a) Airports.--~~

26 ~~1. Any of the following airport construction projects~~
27 ~~shall be a development of regional impact:~~

28 ~~a. A new commercial service or general aviation~~
29 ~~airport with paved runways.~~

30 ~~b. A new commercial service or general aviation paved~~
31 ~~runway.~~

- 1 ~~c. A new passenger terminal facility.~~
- 2 ~~2. Lengthening of an existing runway by 25 percent or~~
3 ~~an increase in the number of gates by 25 percent or three~~
4 ~~gates, whichever is greater, on a commercial service airport~~
5 ~~or a general aviation airport with regularly scheduled flights~~
6 ~~is a development of regional impact. However, expansion of~~
7 ~~existing terminal facilities at a nonhub or small hub~~
8 ~~commercial service airport shall not be a development of~~
9 ~~regional impact.~~
- 10 ~~3. Any airport development project which is proposed~~
11 ~~for safety, repair, or maintenance reasons alone and would not~~
12 ~~have the potential to increase or change existing types of~~
13 ~~aircraft activity is not a development of regional impact.~~
14 ~~Notwithstanding subparagraphs 1. and 2., renovation,~~
15 ~~modernization, or replacement of airport airside or terminal~~
16 ~~facilities that may include increases in square footage of~~
17 ~~such facilities but does not increase the number of gates or~~
18 ~~change the existing types of aircraft activity is not a~~
19 ~~development of regional impact.~~
- 20 ~~(a)(b)~~ Attractions and recreation facilities.--Any
21 sports, entertainment, amusement, or recreation facility,
22 including, but not limited to, a sports arena, stadium,
23 racetrack, tourist attraction, amusement park, or pari-mutuel
24 facility, the construction or expansion of which:
- 25 1. For single performance facilities:
- 26 a. Provides parking spaces for more than 2,500 cars;
- 27 or
- 28 b. Provides more than 10,000 permanent seats for
- 29 spectators.
- 30 2. For serial performance facilities:
- 31

1 a. Provides parking spaces for more than 1,000 cars;
2 or

3 b. Provides more than 4,000 permanent seats for
4 spectators.

5
6 For purposes of this subsection, "serial performance
7 facilities" means those using their parking areas or permanent
8 seating more than one time per day on a regular or continuous
9 basis.

10 3. For multiscreen movie theaters of at least 8
11 screens and 2,500 seats:

12 a. Provides parking spaces for more than 1,500 cars;
13 or

14 b. Provides more than 6,000 permanent seats for
15 spectators.

16 ~~(b)(c)~~ Industrial plants, industrial parks, and
17 distribution, warehousing or wholesaling facilities.--Any
18 proposed industrial, manufacturing, or processing plant, or
19 distribution, warehousing, or wholesaling facility, excluding
20 wholesaling developments which deal primarily with the general
21 public onsite, under common ownership, or any proposed
22 industrial, manufacturing, or processing activity or
23 distribution, warehousing, or wholesaling activity, excluding
24 wholesaling activities which deal primarily with the general
25 public onsite, which:

26 1. Provides parking for more than 2,500 motor
27 vehicles, excluding those vehicles which may be included in
28 wholesaling facilities' inventory; or

29 2. Occupies a site greater than 320 acres, or for
30 motor vehicle wholesaling facilities that conduct wholesaling
31

1 sales activity no more frequently than an average each year of
2 3 days per week, occupies a site greater than 500 acres.

3 (c)~~(d)~~ Office development.--Any proposed office
4 building or park operated under common ownership, development
5 plan, or management that:

- 6 1. Encompasses 300,000 or more square feet of gross
7 floor area; or
- 8 2. Has a total site size of 30 or more acres; or
- 9 3. Encompasses more than 600,000 square feet of gross
10 floor area in a county with a population greater than 500,000
11 and only in a geographic area specifically designated as
12 highly suitable for increased threshold intensity in the
13 approved local comprehensive plan and in the strategic
14 regional policy plan.

15 (d)~~(e)~~ Port facilities.--The proposed construction of
16 any waterport or marina is required to undergo
17 development-of-regional-impact review, except one designed
18 for:

19 1.a. The wet storage or mooring of fewer than 150
20 watercraft used exclusively for sport, pleasure, or commercial
21 fishing, or

22 b. The dry storage of fewer than 200 watercraft used
23 exclusively for sport, pleasure, or commercial fishing, or

24 c. The wet or dry storage or mooring of fewer than 150
25 watercraft on or adjacent to an inland freshwater lake except
26 Lake Okeechobee or any lake which has been designated an
27 Outstanding Florida Water, or

28 d. The wet or dry storage or mooring of fewer than 50
29 watercraft of 40 feet in length or less of any type or
30 purpose. The exceptions to this paragraph's requirements for
31 development-of-regional-impact review shall not apply to any

1 waterport or marina facility located within or which serves
2 physical development located within a coastal barrier resource
3 unit on an unbridged barrier island designated pursuant to 16
4 U.S.C. s. 3501.

5
6 In addition to the foregoing, for projects for which no
7 environmental resource permit or sovereign submerged land
8 lease is required, the Department of Environmental Protection
9 must determine in writing that a proposed marina in excess of
10 10 slips or storage spaces or a combination of the two is
11 located so that it will not adversely impact Outstanding
12 Florida Waters or Class II waters and will not contribute boat
13 traffic in a manner that will have an adverse impact on an
14 area known to be, or likely to be, frequented by manatees. If
15 the Department of Environmental Protection fails to issue its
16 determination within 45 days of receipt of a formal written
17 request, it has waived its authority to make such
18 determination. The Department of Environmental Protection
19 determination shall constitute final agency action pursuant to
20 chapter 120.

21 2. The dry storage of fewer than 300 watercraft used
22 exclusively for sport, pleasure, or commercial fishing at a
23 marina constructed and in operation prior to July 1, 1985.

24 3. Any proposed marina development with both wet and
25 dry mooring or storage used exclusively for sport, pleasure,
26 or commercial fishing, where the sum of percentages of the
27 applicable wet and dry mooring or storage thresholds equals
28 100 percent. This threshold is in addition to, and does not
29 preclude, a development from being required to undergo
30 development-of-regional-impact review under sub-subparagraphs
31 1.a. and b. and subparagraph 2.

1 (e)~~(f)~~ Retail and service development.--Any proposed
2 retail, service, or wholesale business establishment or group
3 of establishments which deals primarily with the general
4 public onsite, operated under one common property ownership,
5 development plan, or management that:

6 1. Encompasses more than 400,000 square feet of gross
7 area;

8 2. Occupies more than 40 acres of land; or

9 3. Provides parking spaces for more than 2,500 cars.

10 (f)~~(g)~~ Hotel or motel development.--

11 1. Any proposed hotel or motel development that is
12 planned to create or accommodate 350 or more units; or

13 2. Any proposed hotel or motel development that is
14 planned to create or accommodate 750 or more units, in a
15 county with a population greater than 500,000, and only in a
16 geographic area specifically designated as highly suitable for
17 increased threshold intensity in the approved local
18 comprehensive plan and in the strategic regional policy plan.

19 (g)~~(h)~~ Recreational vehicle development.--Any proposed
20 recreational vehicle development planned to create or
21 accommodate 500 or more spaces.

22 (h)~~(i)~~ Multiuse development.--Any proposed development
23 with two or more land uses where the sum of the percentages of
24 the appropriate thresholds identified in chapter 28-24,
25 Florida Administrative Code, or this section for each land use
26 in the development is equal to or greater than 145 percent.
27 Any proposed development with three or more land uses, one of
28 which is residential and contains at least 100 dwelling units
29 or 15 percent of the applicable residential threshold,
30 whichever is greater, where the sum of the percentages of the
31 appropriate thresholds identified in chapter 28-24, Florida

1 Administrative Code, or this section for each land use in the
2 development is equal to or greater than 160 percent. This
3 threshold is in addition to, and does not preclude, a
4 development from being required to undergo
5 development-of-regional-impact review under any other
6 threshold.

7 ~~(j) Residential development.--No rule may be adopted~~
8 ~~concerning residential developments which treats a residential~~
9 ~~development in one county as being located in a less populated~~
10 ~~adjacent county unless more than 25 percent of the development~~
11 ~~is located within 2 or less miles of the less populated~~
12 ~~adjacent county.~~

13 (i)~~(k)~~ Schools.--

14 1. The proposed construction of any public, private,
15 or proprietary postsecondary educational campus which provides
16 for a design population of more than 5,000 full-time
17 equivalent students, or the proposed physical expansion of any
18 public, private, or proprietary postsecondary educational
19 campus having such a design population that would increase the
20 population by at least 20 percent of the design population.

21 2. As used in this paragraph, "full-time equivalent
22 student" means enrollment for 15 or more quarter hours during
23 a single academic semester. In area vocational schools or
24 other institutions which do not employ semester hours or
25 quarter hours in accounting for student participation,
26 enrollment for 18 contact hours shall be considered equivalent
27 to one quarter hour, and enrollment for 27 contact hours shall
28 be considered equivalent to one semester hour.

29 3. This paragraph does not apply to institutions which
30 are the subject of a campus master plan adopted by the Board
31 of Regents pursuant to s. 240.155.

1 Section 56. Paragraph (a) of subsection (12) of
2 section 163.3180, Florida Statutes, is amended to read:

3 163.3180 Concurrency.--

4 (12) When authorized by a local comprehensive plan, a
5 multiuse development of regional impact may satisfy the
6 transportation concurrency requirements of the local
7 comprehensive plan, the local government's concurrency
8 management system, and s. 380.06 by payment of a
9 proportionate-share contribution for local and regionally
10 significant traffic impacts, if:

11 (a) The development of regional impact meets or
12 exceeds the guidelines and standards of s. 380.0651(3)(h)~~(i)~~
13 and rule 28-24.032(2), Florida Administrative Code, and
14 includes a residential component that contains at least 100
15 residential dwelling units or 15 percent of the applicable
16 residential guideline and standard, whichever is greater;

17
18 The proportionate-share contribution may be applied to any
19 transportation facility to satisfy the provisions of this
20 subsection and the local comprehensive plan, but, for the
21 purposes of this subsection, the amount of the
22 proportionate-share contribution shall be calculated based
23 upon the cumulative number of trips from the proposed
24 development expected to reach roadways during the peak hour
25 from the complete buildout of a stage or phase being approved,
26 divided by the change in the peak hour maximum service volume
27 of roadways resulting from construction of an improvement
28 necessary to maintain the adopted level of service, multiplied
29 by the construction cost, at the time of developer payment, of
30 the improvement necessary to maintain the adopted level of

31

1 service. For purposes of this subsection, "construction cost"
2 includes all associated costs of the improvement.

3 Section 57. Subsection (20) of section 331.303,
4 Florida Statutes, is amended to read:

5 331.303 Definitions.--

6 (20) "Spaceport launch facilities" shall be defined as
7 industrial facilities in accordance with s. 380.0651(3)~~(b)(c)~~
8 and include any launch pad, launch control center, and fixed
9 launch-support equipment.

10 Section 58. (1) Nothing contained in this act
11 abridges or modifies any vested or other right or any duty or
12 obligation pursuant to any development order or agreement
13 which is applicable to a development of regional impact on the
14 effective date of this act. An airport or petroleum storage
15 facility which has received a development-of-regional-impact
16 development order pursuant to s. 380.06, Florida Statutes
17 2000, but is no longer required to undergo
18 development-of-regional-impact review by operation of this
19 act, shall be governed by the following procedures:

20 (a) The development shall continue to be governed by
21 the development-of-regional-impact development order, and may
22 be completed in reliance upon and pursuant to the development
23 order. The development-of-regional-impact development order
24 may be enforced by the local government as provided by ss.
25 380.06(17) and 380.11, Florida Statutes 2000.

26 (b) If requested by the developer or landowner, the
27 development-of-regional-impact development order may be
28 amended or rescinded by the local government consistent with
29 the local comprehensive plan and land development regulations
30 and pursuant to the local government procedures governing
31 local development orders.

1 (2) An airport or petroleum storage facility with an
2 application for development approval pending on the effective
3 date of this act, or a notification of proposed change pending
4 on the effective date of this act, may elect to continue such
5 review pursuant to s. 380.06, Florida Statutes 2000. At the
6 conclusion of the pending review, including any appeals
7 pursuant to s. 380.07, Florida Statutes 2000, the resulting
8 development order shall be governed by the provisions of
9 subsection (1).

10 Section 59. If any provision of this act or the
11 application thereof to any person or circumstance is held
12 invalid, the invalidity shall not affect other provisions or
13 applications of the act which can be given effect without the
14 invalid provision or application, and to this end the
15 provisions of this act are declared severable.

16 Section 60. Subsection (13) is added to section
17 475.011, Florida Statutes, to read:

18 475.011 Exemptions.--This part does not apply to:

19 (13) Any firm that is under contract with a state or
20 local governmental entity to provide right-of-way acquisition
21 services for property subject to condemnation, or any employee
22 of such a firm, if the compensation for such services is not
23 based upon the value of the property acquired.

24 Section 61. Subsection (2) of section 479.15, Florida
25 Statutes, is amended to read:

26 479.15 Harmony of regulations.--

27 (2) A municipality, county, local zoning authority, or
28 other local governmental entity may not remove, or cause to be
29 removed, any lawfully erected sign along any portion of the
30 interstate or federal-aid primary highway system without first
31 paying just compensation for such removal. A local

1 governmental entity may not cause in any way the alteration of
2 any lawfully erected sign located along any portion of the
3 interstate or federal-aid primary highway system without
4 payment of just compensation if such alteration constitutes a
5 taking under state law. The municipality, county, local zoning
6 authority, or other local government entity promulgating
7 requirements for such alteration must be responsible for
8 payment of just compensation to the sign owner if such
9 alteration constitutes a taking under state law. This
10 subsection applies only to a lawfully erected sign the subject
11 matter of which relates to premises other than the premises on
12 which it is located or to merchandise, services, activities,
13 or entertainment not sold, produced, manufactured, or
14 furnished on the premises on which the sign is located. For
15 the purposes of this subsection, the term "federal-aid primary
16 highway system" means the federal-aid primary highway system
17 in existence on June 1, 1991, and any highway which was not on
18 such system but which is, or hereafter becomes, a part of the
19 National Highway System.This subsection shall not be
20 interpreted as explicit or implicit legislative recognition
21 that alterations do or do not constitute a taking under state
22 law.

23 Section 62. Section 479.25, Florida Statutes, is
24 created to read:

25 479.25 Application of chapter.--Nothing in this
26 chapter shall prevent a governmental entity from entering into
27 an agreement allowing the height above ground level of a
28 lawfully erected sign to be increased at its permitted
29 location if a noise attenuation barrier, visibility screen, or
30 other highway improvement has been erected in such a way as to
31 screen or block visibility of such a sign; provided, however,

1 that for nonconforming signs located on the federal-aid
2 primary highway system, as such system existed on June 1,
3 1991, and any highway which was not on such system but which
4 is, or hereinafter becomes, a part of the National Highway
5 System, such agreement must be approved by the Federal Highway
6 Administration. Any increase in height permitted under this
7 provision shall only be that which is required to achieve the
8 same degree of visibility from the right-of-way that the sign
9 had prior to the construction of the noise attenuation
10 barrier, visibility screen, or other highway improvement.

11 Section 63. Section 70.20, Florida Statutes, is
12 created to read:

13 70.20 Balancing of interests.--It is a policy of this
14 state to encourage municipalities, counties, and other
15 governmental entities and sign owners to enter into relocation
16 and reconstruction agreements that allow governmental entities
17 to undertake public projects and accomplish public goals
18 without the expenditure of public funds, while allowing the
19 continued maintenance of private investment in signage as a
20 medium of commercial and noncommercial communication.

21 (1) Municipalities, counties, and all other
22 governmental entities are specifically empowered to enter into
23 relocation and reconstruction agreements on whatever terms are
24 agreeable to the sign owner and the municipality, county, or
25 other governmental entity involved and to provide for
26 relocation and reconstruction of signs by agreement,
27 ordinance, or resolution. As used in this section, a
28 "relocation and reconstruction agreement" means a consensual,
29 contractual agreement between a sign owner and municipality,
30 county, or other governmental entity for either the
31 reconstruction of an existing sign or removal of a sign and

1 the construction of a new sign to substitute for the sign
2 removed.

3 (2) Except as otherwise provided in this section, no
4 municipality, county, or other governmental entity may remove,
5 or cause to be removed, any lawfully erected sign along any
6 portion of the interstate, federal-aid primary or other
7 highway system, or any other road, without first paying just
8 compensation for such removal as determined by agreement
9 between the parties or through eminent domain proceedings.
10 Except as otherwise provided in this section, no municipality,
11 county, or other governmental entity may cause in any way the
12 alteration of any lawfully erected sign located along any
13 portion of the interstate, federal-aid primary or other
14 highway system, or any other road, without first paying just
15 compensation for such alteration as determined by agreement
16 between the parties or through eminent domain proceedings. The
17 provisions of this act shall not apply to any ordinance, the
18 validity, constitutionality, and enforceability of which the
19 owner has by written agreement waived all right to challenge.

20 (3) In the event that a municipality, county, or other
21 governmental entity shall undertake a public project or public
22 goal requiring alteration or removal of any lawfully erected
23 sign, the municipality, county, or other governmental entity
24 shall notify the owner of the affected sign in writing of the
25 public project or goal and of the intention of the
26 municipality, county, or other governmental entity to seek
27 such removal. Within 30 days after receipt of the notice, the
28 owner of the sign and the municipality, county, or other
29 governmental entity shall attempt to meet for purposes of
30 negotiating and executing a relocation and reconstruction
31 agreement provided for in subsection (1).

1 (4) If the parties fail to enter into a relocation and
2 reconstruction agreement within 120 days after the initial
3 notification by the municipality, county, or other
4 governmental entity, either party may request mandatory
5 nonbinding arbitration to resolve the disagreements among the
6 parties. Each party shall select an arbitrator, and the
7 individuals so selected shall choose a third arbitrator. The
8 three arbitrators shall constitute the panel that shall
9 arbitrate the dispute between the parties and at the
10 conclusion of the proceedings shall present to the parties a
11 proposed relocation and reconstruction agreement that the
12 panel believes equitably balances the rights, interests,
13 obligations, and reasonable expectations of the parties. If
14 the municipality, county, or other governmental entity and the
15 sign owner accept the proposed relocation and reconstruction
16 agreement, the municipality, county, or other governmental
17 entity and sign owner shall each pay its respective costs of
18 arbitration and shall pay one-half of the costs of the
19 arbitration panel, unless the parties otherwise agree.

20 (5) If the parties do not enter into a relocation and
21 reconstruction agreement, the municipality, county, or other
22 governmental entity may proceed with the public project or
23 purpose and the alteration or removal of the sign only after
24 first paying just compensation for such alteration or removal
25 as determined by agreement between the parties or through
26 eminent domain proceedings.

27 (6) The requirement by a municipality, county, or
28 other governmental entity that a lawfully erected sign be
29 removed or altered as a condition precedent to the issuance or
30 continued effectiveness of a development order constitutes a
31 compelled removal that is prohibited without prior payment of

1 just compensation under subsection (2). This subsection does
2 not apply when the owner of the land on which the sign is
3 located is seeking to have the property redesignated on the
4 future land use map of the applicable comprehensive plan for
5 exclusively single-family residential use.

6 (7) The requirement by a municipality, county, or
7 other governmental entity that a lawfully erected sign be
8 altered or removed from the premises upon which it is located
9 incident to the voluntary acquisition of such property by a
10 municipality, county, or other governmental entity constitutes
11 a compelled removal which is prohibited without payment of
12 just compensation under subsection (2).

13 (8) Nothing in this section shall prevent a
14 municipality, county, or other governmental entity from
15 acquiring a lawfully erected sign through eminent domain or
16 from prospectively regulating the placement, size, height, or
17 other aspects of new signs within such entity's jurisdiction,
18 including the prohibition of new signs, unless otherwise
19 authorized pursuant to this section. Nothing in this section
20 shall impair any ordinance or provision of any ordinance not
21 inconsistent with this section, nor shall this section create
22 any new rights for any party other than the owner of a sign,
23 the owner of the land upon which it is located, or a
24 municipality, county, or other governmental entity as
25 expressed in this section.

26 (9) This section applies only to a lawfully erected
27 sign the subject matter of which relates to premises other
28 than the premises on which it is located or to merchandise,
29 services, activities, or entertainment not sold, produced,
30 manufactured, or furnished on the premises on which the sign
31 is located.

1 (10) This section does not apply to any actions taken
2 by the Florida Department of Transportation which relate to
3 the operation, maintenance, or expansion of transportation
4 facilities, and this section does not affect existing law
5 regarding eminent domain relating to the Florida Department of
6 Transportation.

7 (11) Nothing in this act shall impair or affect any
8 written agreement existing prior to the effective date of this
9 act, including, but not limited to, any settlement agreements
10 reliant upon the legality or enforceability of local
11 ordinances. The provisions of this act shall not apply to any
12 dispute between a municipality or county and a sign owner
13 where the amortization period has expired and judicial
14 proceedings were commenced on or before May 1, 1997, to
15 determine the rights, interests, obligations and reasonable
16 expectations of the parties to the dispute, nor shall the
17 provisions of this act apply to any signs that are required to
18 be removed by a date certain in areas designated by local
19 ordinance as view corridors if the local ordinance creating
20 the view corridors was enacted in part to effectuate a
21 consensual agreement between the local government and two or
22 more sign owners prior to the effective date of this act.

23 (12) The provisions of this section shall not apply
24 until July 1, 2002, to any dispute between a municipality or
25 county and a sign owner where the amortization period has
26 expired and judicial proceedings are pending and the dispute
27 is not otherwise exempt by subsection (11).

28 Section 64. Paragraph (b) of subsection (1) of section
29 496.425, Florida Statutes, is amended to read:

30 496.425 Solicitation of funds within public
31 transportation facilities.--

1 (1) As used in this section:

2 (b) "Facility" means any public transportation
3 facility, including, but not limited to, railroad stations,
4 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~
5 ~~stations, highway service plazas, airports served by scheduled~~
6 ~~passenger service, or highway rest stations.~~

7 Section 65. Section 496.4256, Florida Statutes, is
8 created to read:

9 496.4256 Public transportation facilities not required
10 to grant permit or access.--A governmental entity or authority
11 that owns or operates welcome centers, wayside parks, service
12 plazas, or rest areas on the state highway system as defined
13 in chapter 335 may not be required to issue a permit or grant
14 any person access to such public transportation facilities for
15 the purpose of soliciting funds.

16 Section 66. Section 337.408, Florida Statutes, is
17 amended to read:

18 337.408 Regulation of benches, transit shelters,
19 street light poles, and waste disposal receptacles within
20 rights-of-way.--

21 (1) Benches or transit shelters, including advertising
22 displayed on benches or transit shelters, may be installed
23 within the right-of-way limits of any municipal, county, or
24 state road, except a limited access highway; provided that
25 such benches or transit shelters are for the comfort or
26 convenience of the general public, or at designated stops on
27 official bus routes; and, provided further, that written
28 authorization has been given to a qualified private supplier
29 of such service by the municipal government within whose
30 incorporated limits such benches or transit shelters are
31 installed, or by the county government within whose

1 unincorporated limits such benches or transit shelters are
2 installed. A municipality or county may authorize the
3 installation, with or without public bid, of benches and
4 transit shelters together with advertising displayed thereon,
5 within the right-of-way limits of such roads. Any contract for
6 the installation of benches or transit shelters or advertising
7 on benches or transit shelters which was entered into before
8 April 8, 1992, without public bidding, is ratified and
9 affirmed. Such benches or transit shelters may not interfere
10 with right-of-way preservation and maintenance. Any bench or
11 transit shelter located on a sidewalk within the right-of-way
12 limits of any road on the State Highway System or the county
13 road system shall be located so as to leave at least 36 inches
14 clearance for pedestrians and persons in wheelchairs. Such
15 clearance shall be measured in a direction perpendicular to
16 the centerline of the road.

17 (2) Waste disposal receptacles the interior collection
18 container volume of which is less than 110 gallons in
19 capacity, including advertising displayed on such waste
20 disposal receptacles, may be installed within the right-of-way
21 limits of any municipal, county, or state road, except a
22 limited access highway; provided that written authorization
23 has been given to a qualified private supplier of such service
24 by the appropriate municipal or county government. A
25 municipality or county may authorize the installation, with or
26 without public bid, of waste disposal receptacles together
27 with advertising displayed thereon within the right-of-way
28 limits of such roads. Such waste disposal receptacles may not
29 interfere with right-of-way preservation and maintenance.

30 (3) The department has the authority to direct the
31 immediate relocation or removal of any bench, transit shelter,

1 or waste disposal receptacle which endangers life or property,
2 except that transit bus benches which have been placed in
3 service prior to April 1, 1992, do not have to comply with
4 bench size and advertising display size requirements which
5 have been established by the department prior to March 1,
6 1992. Any transit bus bench that was in service prior to
7 April 1, 1992, may be replaced with a bus bench ~~of the same~~
8 ~~size or smaller~~, if the bench is damaged or destroyed or
9 otherwise becomes unusable. As of July 1, 2001, the
10 department, municipality, or county may direct the removal of
11 any bench, transit shelter, or waste disposal receptacle, or
12 advertisement thereon, if the department, municipality, or
13 county determines that the bench, transit shelter, or waste
14 disposal receptacle is structurally unsound or in visible
15 disrepair.

16 (4) No bench, transit shelter, or waste disposal
17 receptacle, or advertising thereon, shall be erected or so
18 placed on the right-of-way of any road which conflicts with
19 the requirements of federal law, regulations, or safety
20 standards, thereby causing the state or any political
21 subdivision the loss of federal funds. Competition among
22 persons seeking to provide bench, transit shelter, or waste
23 disposal receptacle services or advertising on such benches,
24 shelters, or receptacles may be regulated, restricted, or
25 denied by the appropriate local government entity consistent
26 with the provisions of this section.

27 (5) Street light poles, including attached public
28 service messages and advertisements, may be located within the
29 right-of-way limits of municipal and county roads in the same
30 manner as benches, transit shelters, and waste receptacles, as
31 provided in this section and in accordance with municipal and

1 county ordinances. Public service messages and advertising may
2 be installed on street light poles on roads on the State
3 Highway System in accordance with height, size, setback,
4 spacing distance, duration of display, safety, traffic
5 control, and permitting requirements established by
6 administrative rule of the Department of Transportation. The
7 department shall have authority to establish administrative
8 rules to implement this subsection. No advertising on light
9 poles shall be permitted on the Interstate Highway System. No
10 permanent structures carrying advertisements attached to light
11 poles shall be permitted on the National Highway System.

12 ~~(6)(5)~~ Wherever the provisions of this section are
13 inconsistent with other provisions of this chapter or with the
14 provisions of chapter 125, chapter 335, chapter 336, or
15 chapter 479, the provisions of this section shall prevail.

16 Section 67. Subsection (10) of section 768.28, Florida
17 Statutes, is amended to read:

18 768.28 Waiver of sovereign immunity in tort actions;
19 recovery limits; limitation on attorney fees; statute of
20 limitations; exclusions; indemnification; risk management
21 programs.--

22 (10)(a) Health care providers or vendors, or any of
23 their employees or agents, that have contractually agreed to
24 act as agents of the Department of Corrections to provide
25 health care services to inmates of the state correctional
26 system shall be considered agents of the State of Florida,
27 Department of Corrections, for the purposes of this section,
28 while acting within the scope of and pursuant to guidelines
29 established in said contract or by rule. The contracts shall
30 provide for the indemnification of the state by the agent for
31

1 any liabilities incurred up to the limits set out in this
2 chapter.

3 (b) This subsection shall not be construed as
4 designating persons providing contracted health care services
5 to inmates as employees or agents of the state for the
6 purposes of chapter 440.

7 (c) For purposes of this section, regional poison
8 control centers created in accordance with s. 395.1027 and
9 coordinated and supervised under the Division of Children's
10 Medical Services Prevention and Intervention of the Department
11 of Health, or any of their employees or agents, shall be
12 considered agents of the State of Florida, Department of
13 Health. Any contracts with poison control centers must
14 provide, to the extent permitted by law, for the
15 indemnification of the state by the agency for any liabilities
16 incurred up to the limits set out in this chapter.

17 (d) For the purposes of this section, operators of
18 rail services and providers of security for rail services, or
19 any of their employees or agents, that have contractually
20 agreed to act as agents of the Tri-County Commuter Rail
21 Authority to operate rail services or provide security for
22 rail services, shall be considered agents of the State of
23 Florida while acting within the scope of and pursuant to
24 guidelines established in said contract or by rule. The
25 contract shall provide for the indemnification of the state by
26 the agent for any liability incurred up to the limits set out
27 in this chapter.

28 Section 68. Section 337.025, Florida Statutes, is
29 amended to read:

30 337.025 Innovative highway projects; department to
31 establish program.--The department is authorized to establish

1 a program for highway projects demonstrating innovative
2 techniques of highway construction, maintenance, and finance
3 which have the intended effect of controlling time and cost
4 increases on construction projects. Such techniques may
5 include, but are not limited to, state-of-the-art technology
6 for pavement, safety, and other aspects of highway
7 construction and maintenance; innovative bidding and financing
8 techniques; accelerated construction procedures; and those
9 techniques that have the potential to reduce project life
10 cycle costs. To the maximum extent practical, the department
11 must use the existing process to award and administer
12 construction and maintenance contracts. When specific
13 innovative techniques are to be used, the department is not
14 required to adhere to those provisions of law that would
15 prevent, preclude, or in any way prohibit the department from
16 using the innovative technique. However, prior to using an
17 innovative technique that is inconsistent with another
18 provision of law, the department must document in writing the
19 need for the exception and identify what benefits the
20 traveling public and the affected community are anticipated to
21 receive. The department may enter into no more than \$120
22 million in contracts annually for the purposes authorized by
23 this section. However, the annual cap on contracts provided in
24 this section shall not apply to turnpike enterprise projects
25 nor shall turnpike enterprise projects be counted toward the
26 department's annual cap.

27 Section 69. Paragraph (c) of subsection (3) of section
28 337.11, Florida Statutes, is amended to read:

29 337.11 Contracting authority of department; bids;
30 emergency repairs, supplemental agreements, and change orders;
31

1 combined design and construction contracts; progress payments;
2 records; requirements of vehicle registration.--
3 (3)
4 (c) No advertisement for bids shall be published and
5 no bid solicitation notice shall be provided until title to
6 all necessary rights-of-way and easements for the construction
7 of the project covered by such advertisement or notice has
8 vested in the state or a local governmental entity, and all
9 railroad crossing and utility agreements have been executed.
10 The turnpike enterprise is exempt from this paragraph for a
11 turnpike enterprise project.Title to all necessary
12 rights-of-way shall be deemed to have been vested in the State
13 of Florida when such title has been dedicated to the public or
14 acquired by prescription.
15 Section 70. Subsection (7) of section 338.165, Florida
16 Statutes, is amended to read:
17 338.165 Continuation of tolls.--
18 (7) This section does not apply to the turnpike system
19 as defined under the Florida Turnpike Enterprise Law.
20 Section 71. Section 338.22, Florida Statutes, is
21 amended to read:
22 338.22 Florida Turnpike Enterprise Law; short
23 title.--Sections 338.22-338.241 may be cited as the "Florida
24 Turnpike Enterprise Law."
25 Section 72. Section 338.221, Florida Statutes, is
26 amended to read:
27 338.221 Definitions of terms used in ss.
28 338.22-338.241.--As used in ss. 338.22-338.241, the following
29 words and terms have the following meanings, unless the
30 context indicates another or different meaning or intent:
31

1 (1) "Bonds" or "revenue bonds" means notes, bonds,
2 refunding bonds or other evidences of indebtedness or
3 obligations, in either temporary or definitive form, issued by
4 the Division of Bond Finance on behalf of the department and
5 authorized under the provisions of ss. 338.22-338.241 and the
6 State Bond Act.

7 (2) "Cost," as applied to a turnpike project, includes
8 the cost of acquisition of all land, rights-of-way, property,
9 easements, and interests acquired by the department for
10 turnpike project construction; the cost of such construction;
11 the cost of all machinery and equipment, financing charges,
12 fees, and expenses related to the financing; establishment of
13 reserves to secure bonds; interest prior to and during
14 construction and for such period after completion of
15 construction as shall be determined by the department; the
16 cost of traffic estimates and of engineering and legal
17 expenses, plans, specifications, surveys, estimates of cost
18 and revenues; other expenses necessary or incident to
19 determining the feasibility or practicability of acquiring or
20 constructing any such turnpike project; administrative
21 expenses; and such other expenses as may be necessary or
22 incident to the acquisition or construction of a turnpike
23 project, the financing of such acquisition or construction,
24 and the placing of the turnpike project in operation.

25 (3) "Feeder road" means any road no more than 5 miles
26 in length, connecting to the turnpike system which the
27 department determines is necessary to create or facilitate
28 access to a turnpike project.

29 (4) "Owner" includes any person or any governmental
30 entity that has title to, or an interest in, any property,
31

1 right, easement, or interest authorized to be acquired
2 pursuant to ss. 338.22-338.241.

3 (5) "Revenues" means all tolls, charges, rentals,
4 gifts, grants, moneys, and other funds coming into the
5 possession, or under the control, of the department by virtue
6 of the provisions hereof, except the proceeds from the sale of
7 bonds issued under ss. 338.22-338.241.

8 (6) "Turnpike system" means those limited access toll
9 highways and associated feeder roads and other structures,
10 appurtenances, or rights previously designated, acquired, or
11 constructed pursuant to the Florida Turnpike Enterprise Law
12 and such other additional turnpike projects as may be acquired
13 or constructed as approved by the Legislature.

14 (7) "Turnpike improvement" means any betterment
15 necessary or desirable for the operation of the turnpike
16 system, including, but not limited to, widenings, the addition
17 of interchanges to the existing turnpike system, resurfacings,
18 toll plazas, machinery, and equipment.

19 (8) "Economically feasible" for a proposed turnpike
20 project means that the revenues of the project in combination
21 with those of the existing turnpike system are sufficient to
22 service the debt of the outstanding turnpike bonds to
23 safeguard investors.+

24 ~~(a) For a proposed turnpike project, that, as~~
25 ~~determined by the department before the issuance of revenue~~
26 ~~bonds for the project, the estimated net revenues of the~~
27 ~~proposed turnpike project, excluding feeder roads and turnpike~~
28 ~~improvements, will be sufficient to pay at least 50 percent of~~
29 ~~the debt service on the bonds by the end of the 5th year of~~
30 ~~operation and to pay at least 100 percent of the debt service~~
31 ~~on the bonds by the end of the 15th year of operation. In~~

1 ~~implementing this paragraph, up to 50 percent of the adopted~~
2 ~~work program costs of the project may be funded from turnpike~~
3 ~~revenues.~~

4 ~~(b) For turnpike projects, except for feeder roads and~~
5 ~~turnpike improvements, financed from revenues of the turnpike~~
6 ~~system, such project, or such group of projects, originally~~
7 ~~financed from revenues of the turnpike system, that the~~
8 ~~project is expected to generate sufficient revenues to~~
9 ~~amortize project costs within 15 years of opening to traffic.~~

10
11 This subsection does not prohibit the pledging of revenues
12 from the entire turnpike system to bonds issued to finance or
13 refinance a turnpike project or group of turnpike projects.

14 (9) "Turnpike project" means any extension to or
15 expansion of the existing turnpike system and new limited
16 access toll highways and associated feeder roads and other
17 structures, interchanges, appurtenances, or rights as may be
18 approved in accordance with the Florida Turnpike Enterprise
19 Law.

20 (10) "Statement of environmental feasibility" means a
21 statement by the Department of Environmental Protection of the
22 project's significant environmental impacts.

23 Section 73. Section 338.2215, Florida Statutes, is
24 created to read:

25 338.2215 Florida Turnpike Enterprise; legislative
26 findings, policy, purpose, and intent.--It is the intent of
27 the Legislature that the turnpike enterprise be provided
28 additional powers and authority in order to maximize the
29 advantages obtainable through fully leveraging the Florida
30 Turnpike System asset. The additional powers and authority
31 will provide the turnpike enterprise with the autonomy and

1 flexibility to enable it to more easily pursue innovations as
2 well as best practices found in the private sector in
3 management, finance, organization, and operations. The
4 additional powers and authority are intended to improve
5 cost-effectiveness and timeliness of project delivery,
6 increase revenues, expand the turnpike system's capital
7 program capability, and improve the quality of service to its
8 patrons, while continuing to protect the turnpike system's
9 bondholders and further preserve, expand, and improve the
10 Florida Turnpike System.

11 Section 74. Section 338.2216, Florida Statutes, is
12 created to read:

13 338.2216 Florida Turnpike Enterprise; powers and
14 authority.--

15 (1)(a) In addition to the powers granted to the
16 department, the Florida Turnpike Enterprise has full authority
17 to exercise all powers granted to it under this chapter.
18 Powers shall include, but are not limited to, the ability to
19 plan, construct, maintain, repair, and operate the Florida
20 Turnpike System.

21 (b) It is the express intention of this part that the
22 Florida Turnpike Enterprise be authorized to plan, develop,
23 own, purchase, lease, or otherwise acquire, demolish,
24 construct, improve, relocate, equip, repair, maintain,
25 operate, and manage the Florida Turnpike System; to expend
26 funds to publicize, advertise, and promote the advantages of
27 using the turnpike system and its facilities; and to
28 cooperate, coordinate, partner, and contract with other
29 entities, public and private, to accomplish these purposes.

30 (c) The executive director of the turnpike enterprise
31 shall appoint a staff, which shall be exempt from part II of

1 chapter 110. The fiscal functions of the turnpike enterprise,
2 including those arising under chapters 216, 334, and 339,
3 shall be managed by the turnpike enterprise chief financial
4 officer, who shall possess qualifications similar to those of
5 the department comptroller.

6 (2)(a) The department shall have the authority to
7 employ procurement methods available to the Department of
8 Management Services under chapters 255 and 287 and under any
9 rule adopted under such chapters solely for the benefit of the
10 turnpike enterprise. In order to enhance the effective and
11 efficient operation of the turnpike enterprise, the department
12 may adopt rules for procurement procedures alternative to
13 chapters 255, 287, and 337.

14 (3)(a) The turnpike enterprise shall be a single
15 budget entity and shall develop a budget pursuant to chapter
16 216. The turnpike enterprise's budget shall be submitted to
17 the Legislature along with the department's budget.

18 (b) Notwithstanding the provisions of s. 216.301 to
19 the contrary and in accordance with s. 216.351, the Executive
20 Office of the Governor shall, on July 1 of each year, certify
21 forward all unexpended funds appropriated or provided pursuant
22 to this section for the turnpike enterprise. Of the
23 unexpended funds certified forward, any unencumbered amounts
24 shall be carried forward. Such funds carried forward shall
25 not exceed 5 percent of the total operating budget of the
26 turnpike enterprise. Funds carried forward pursuant to this
27 section may be used for any lawful purpose, including, but not
28 limited to, promotional and market activities, technology,
29 training, and salary bonuses. Any certified forward funds
30 remaining undisbursed on December 31 of each year shall be
31 carried forward.

1 (4) The powers conferred upon the turnpike enterprise
2 under ss. 338.22-338.241 shall be in addition and supplemental
3 to the existing powers of the department and the turnpike
4 enterprise, and these powers shall not be construed as
5 repealing any provision of any other law, general or local,
6 but shall supersede such other laws that are inconsistent with
7 the exercise of the powers provided under ss. 338.22-338.241
8 and provide a complete method for the exercise of such powers
9 granted.

10 Section 75. Subsection (4) of section 338.223, Florida
11 Statutes, is amended to read:

12 338.223 Proposed turnpike projects.--

13 (4) The department is authorized, with the approval of
14 the Legislature, to use federal and state transportation funds
15 to lend or pay a portion of the operating, maintenance, and
16 capital costs of turnpike projects. ~~Federal and state~~
17 ~~transportation funds included in an adopted work program, or~~
18 ~~the General Appropriations Act, for a turnpike project do not~~
19 ~~have to be reimbursed to the State Transportation Trust Fund,~~
20 ~~or used in determining the economic feasibility of the~~
21 ~~proposed project.~~ For operating and maintenance loans, the
22 maximum net loan amount in any fiscal year shall not exceed
23 1.5 ~~0.5~~ percent of state transportation tax revenues for that
24 fiscal year.

25 Section 76. Subsection (2) of section 338.227, Florida
26 Statutes, is amended to read:

27 338.227 Turnpike revenue bonds.--

28 (2) The proceeds of the bonds of each issue shall be
29 used solely for the payment of the cost of the turnpike
30 projects for which such bonds shall have been issued, except
31 as provided in the State Bond Act. Such proceeds shall be

1 disbursed and used as provided by ss. 338.22-338.241 and in
2 such manner and under such restrictions, if any, as the
3 Division of Bond Finance may provide in the resolution
4 authorizing the issuance of such bonds or in the trust
5 agreement hereinafter mentioned securing the same. All
6 revenues and bond proceeds from the turnpike system received
7 by the department pursuant to ss. 338.22-338.241, the Florida
8 Turnpike Enterprise Law, shall be used only for the cost of
9 turnpike projects and turnpike improvements and for the
10 administration, operation, maintenance, and financing of the
11 turnpike system. No revenues or bond proceeds from the
12 turnpike system shall be spent for the operation, maintenance,
13 construction, or financing of any project which is not part of
14 the turnpike system.

15 Section 77. Subsection (2) of section 338.2275,
16 Florida Statutes, is amended to read:

17 338.2275 Approved turnpike projects.--

18 (2) The department is authorized to use turnpike
19 revenues, the State Transportation Trust Fund moneys allocated
20 for turnpike projects pursuant to s. 338.001, federal funds,
21 and bond proceeds, and shall use the most cost-efficient
22 combination of such funds, in developing a financial plan for
23 funding turnpike projects. The department must submit a
24 report of the estimated cost for each ongoing turnpike project
25 and for each planned project to the Legislature 14 days before
26 the convening of the regular legislative session. Verification
27 of economic feasibility and statements of environmental
28 feasibility for individual turnpike projects must be based on
29 the entire project as approved. Statements of environmental
30 feasibility are not required for those projects listed in s.
31 12, chapter 90-136, Laws of Florida, for which the Project

1 Development and Environmental Reports were completed by July
2 1, 1990. ~~All required environmental permits must be obtained~~
3 ~~before~~ The department may advertise for bids for contracts for
4 the construction of any turnpike project prior to obtaining
5 required environmental permits.

6 Section 78. Section 338.234, Florida Statutes, is
7 amended to read:

8 338.234 Granting concessions or selling along the
9 turnpike system.--

10 ~~(1)~~ The department may enter into contracts or
11 licenses with any person for the sale of ~~grant concessions or~~
12 ~~sell~~ services or products or business opportunities on along
13 the turnpike system, or the turnpike enterprise may sell
14 services, products, or business opportunities on the turnpike
15 system, which benefit the traveling public or provide
16 additional revenue to the turnpike system. Services, business
17 opportunities, and products authorized to be sold include, but
18 are not limited to, ~~the sale of~~ motor fuel, vehicle towing,
19 and vehicle maintenance services; ~~the sale of~~ food with
20 attendant nonalcoholic beverages; lodging, meeting rooms, and
21 other business services opportunities; advertising and other
22 promotional opportunities, which advertising and promotions
23 must be consistent with the dignity and integrity of the
24 state; ~~the sale of~~ state lottery tickets sold by authorized
25 retailers; games and amusements that ~~the granting of~~
26 concessions for amusement devices which operate by the
27 application of skill, not including games of chance as defined
28 in s. 849.16 or other illegal gambling games; ~~the sale of~~
29 Florida citrus, goods promoting the state, or handmade goods
30 produced within the state; and ~~the granting of concessions for~~
31 equipment which provides travel information, or tickets,

1 reservations, or other related services; ~~and the granting of~~
2 ~~concessions which provide banking and other business services.~~
3 ~~The department may also provide information centers on the~~
4 ~~plazas for the benefit of the public.~~

5 ~~(2) The department may provide an opportunity for~~
6 ~~governmental agencies to hold public events at turnpike plazas~~
7 ~~which educate the traveling public as to safety, travel, and~~
8 ~~tourism.~~

9 Section 79. Subsection (3) of section 338.235, Florida
10 Statutes, is amended to read:

11 338.235 Contracts with department for provision of
12 services on the turnpike system.--

13 (3) The department may enter into contracts or
14 agreements, with or without competitive bidding or
15 procurement, to make available, on a fair, reasonable,
16 nonexclusive, and nondiscriminatory basis, turnpike property
17 and other turnpike structures, for the placement of wireless
18 facilities by any wireless provider of mobile services as
19 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
20 telecommunications company as defined in s. 364.02 when it is
21 determined to be practical and feasible to make such property
22 or structures available. The department may, without adopting
23 a rule, charge a just, reasonable, and nondiscriminatory fee
24 for placement of the facilities, payable annually, based on
25 the fair market value of space used by comparable
26 communications facilities in the state. The department and a
27 wireless provider may negotiate the reduction or elimination
28 of a fee in consideration of goods or services ~~service~~
29 provided to the department by the wireless provider. All such
30 fees collected by the department shall be deposited directly
31

1 into the State Agency Law Enforcement Radio System Trust Fund
2 and may be used to construct, maintain, or support the system.

3 Section 80. Subsection (2) of section 338.239, Florida
4 Statutes, is amended to read:

5 338.239 Traffic control on the turnpike system.--

6 (2) Members of the Florida Highway Patrol are vested
7 with the power, and charged with the duty, to enforce the
8 rules of the department. Approved expenditures ~~Expenses~~
9 incurred by the Florida Highway Patrol in carrying out its
10 powers and duties under ss. 338.22-338.241 may be treated as a
11 part of the cost of the operation of the turnpike system, and
12 the Department of Highway Safety and Motor Vehicles shall be
13 reimbursed by the turnpike enterprise ~~Department of~~
14 ~~Transportation~~ for such expenses incurred on the turnpike
15 system mainline, which is that part of the turnpike system
16 ~~extending from the southern terminus in Florida City to the~~
17 ~~northern terminus in Wildwood including all contiguous~~
18 sections. Florida Highway Patrol Troop K shall be
19 headquartered with the turnpike enterprise and shall be the
20 official and preferred law enforcement troop for the turnpike
21 system. The Department of Highway Safety and Motor Vehicles
22 may, upon request of the executive director of the turnpike
23 enterprise and approval of the Legislature, increase the
24 number of authorized positions for Troop K, or the executive
25 director of the turnpike enterprise may contract with the
26 Department of Highway Safety and Motor Vehicles for additional
27 troops to patrol the turnpike system.

28 Section 81. Section 338.241, Florida Statutes, is
29 amended to read:

30 338.241 Cash reserve requirement.--The budget for the
31 turnpike system shall be so planned as to provide for a cash

1 reserve at the end of each fiscal year of not less than 5 ~~10~~
2 percent of the unpaid balance of all turnpike system
3 contractual obligations, excluding bond obligations, to be
4 paid from revenues.

5 Section 82. Section 338.251, Florida Statutes, is
6 amended to read:

7 338.251 Toll Facilities Revolving Trust Fund.--The
8 Toll Facilities Revolving Trust Fund is hereby created for the
9 purpose of encouraging the development and enhancing the
10 financial feasibility of revenue-producing road projects
11 undertaken by local governmental entities in a county or
12 combination of contiguous counties and the turnpike
13 enterprise.

14 (1) The department is authorized to advance funds for
15 preliminary engineering, traffic and revenue studies,
16 environmental impact studies, financial advisory services,
17 engineering design, right-of-way map preparation, other
18 appropriate project-related professional services, and
19 advanced right-of-way acquisition to expressway authorities,
20 the turnpike enterprise, counties, or other local governmental
21 entities that desire to undertake revenue-producing road
22 projects.

23 (2) No funds shall be advanced pursuant to this
24 section unless the following is documented to the department:

25 (a) The proposed facility is consistent with the
26 adopted transportation plan of the appropriate metropolitan
27 planning organization and the Florida Transportation Plan.

28 (b) A proposed 2-year budget detailing the use of the
29 cash advance and a project schedule consistent with the
30 budget.

31

1 (3) Prior to receiving any moneys for advance
2 right-of-way acquisition, it shall be shown that such
3 right-of-way will substantially appreciate prior to
4 construction and that savings will result from its advance
5 purchase. Any such request for moneys for advance
6 right-of-way acquisition shall be accompanied by a preliminary
7 engineering study, environmental impact study, traffic and
8 revenue study, and right-of-way maps along with either a
9 negotiated contract for purchase of the right-of-way, such
10 contract to include a clause stating that it is subject to
11 funding by the department or the Legislature, or an appraisal
12 of the subject property for purpose of condemnation
13 proceedings.

14 (4) Each advance pursuant to this section shall
15 require repayment out of the initial bond issue revenue or, at
16 the discretion of the governmental entity or the turnpike
17 enterprise ~~of the facility~~, repayment shall begin no later
18 than 7 years after the date of the advance, provided repayment
19 shall be completed no later than 12 years after the date of
20 the advance. However, such election shall be made at the time
21 of the initial bond issue, and, if repayment is to be made
22 during the time period referred to above, a schedule of such
23 repayment shall be submitted to the department.

24 (5) No amount in excess of \$1.5 million annually shall
25 be advanced to any one governmental entity or the turnpike
26 enterprise pursuant to this section without specific
27 appropriation by the Legislature.

28 (6) Funds may not be advanced for funding final design
29 costs beyond 60 percent completion until an acceptable plan to
30 finance all project costs, including the reimbursement of
31

1 outstanding trust fund advances, is approved by the
2 department.

3 (7) The department may advance funds sufficient to
4 defray shortages in toll revenues of facilities receiving
5 funds pursuant to this section for the first 5 years of
6 operation, up to a maximum of \$5 million per year, to be
7 reimbursed to this fund within 5 years of the last advance
8 hereunder. Any advance under this provision shall require
9 specific appropriation by the Legislature.

10 (8) No expressway authority, county, or other local
11 governmental entity, or the turnpike enterprise, shall be
12 eligible to receive any advance under this section if the
13 expressway authority, county, or other local governmental
14 entity or the turnpike enterprise has failed to repay any
15 previous advances as required by law or by agreement with the
16 department.

17 (9) Repayment of funds advanced, including advances
18 made prior to January 1, 1994, shall not include interest.
19 However, interest accruing to local governmental entities and
20 the turnpike enterprise from the investment of advances shall
21 be paid to the department.

22 Section 83. Subsection (1) of section 553.80, Florida
23 Statutes, as amended by section 86 of chapter 2000-141, Laws
24 of Florida, is amended to read:

25 553.80 Enforcement.--

26 (1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~,
27 each local government and each legally constituted enforcement
28 district with statutory authority shall regulate building
29 construction and, where authorized in the state agency's
30 enabling legislation, each state agency shall enforce the
31 Florida Building Code required by this part on all public or

1 private buildings, structures, and facilities, unless such
2 responsibility has been delegated to another unit of
3 government pursuant to s. 553.79(9).

4 (a) Construction regulations relating to correctional
5 facilities under the jurisdiction of the Department of
6 Corrections and the Department of Juvenile Justice are to be
7 enforced exclusively by those departments.

8 (b) Construction regulations relating to elevator
9 equipment under the jurisdiction of the Bureau of Elevators of
10 the Department of Business and Professional Regulation shall
11 be enforced exclusively by that department.

12 (c) In addition to the requirements of s. 553.79 and
13 this section, facilities subject to the provisions of chapter
14 395 and part II of chapter 400 shall have facility plans
15 reviewed and construction surveyed by the state agency
16 authorized to do so under the requirements of chapter 395 and
17 part II of chapter 400 and the certification requirements of
18 the Federal Government.

19 (d) Building plans approved pursuant to s. 553.77(6)
20 and state-approved manufactured buildings, including buildings
21 manufactured and assembled offsite and not intended for
22 habitation, such as lawn storage buildings and storage sheds,
23 are exempt from local code enforcing agency plan reviews
24 except for provisions of the code relating to erection,
25 assembly, or construction at the site. Erection, assembly, and
26 construction at the site are subject to local permitting and
27 inspections.

28 (e) Construction regulations governing public schools,
29 state universities, and community colleges shall be enforced
30 as provided in subsection (6).

31

1 (f) Construction regulations relating to
2 transportation facilities under the jurisdiction of the
3 turnpike enterprise of the Department of Transportation shall
4 be enforced exclusively by the turnpike enterprise.

5
6 The governing bodies of local governments may provide a
7 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
8 and this section, for the enforcement of the provisions of
9 this part. Such fees shall be used solely for carrying out
10 the local government's responsibilities in enforcing the
11 Florida Building Code. The authority of state enforcing
12 agencies to set fees for enforcement shall be derived from
13 authority existing on July 1, 1998. However, nothing contained
14 in this subsection shall operate to limit such agencies from
15 adjusting their fee schedule in conformance with existing
16 authority.

17 Section 84. Section 316.3027 and subsection (3) of
18 section 316.610, Florida Statutes, are repealed.

19 Section 85. This act shall take effect July 1, 2001.
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